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S. HRG. 100-1023

HAITIAN NARCOTICS ACTIVITIES

HEARING

BEFORE THE

CAUCUS ON
INTERNATIONAL NARCOTICS CONTROL

OF THE

UNITED STATES SENATE

ONE HUNDREDTH CONGRESS

SECOND SESSION

ON

THE MAGNITUDE OF HAITI'S ROLE AS A TRANSSHIPMENT POINT FOR NARCOTICS IN THE UNITED STATES

MAY 21, 1988

MIAMI, FL

Printed for the use of the Senate Caucus on International Narcotics Control

U.S. GOVERNMENT PRINTING OFFICE

95-655 WASHINGTON : 1989

For sale by the Superintendent of Documents, Congressional Sales Office
U.S. Government Printing Office, Washington, DC 20402

S961-Q

SENATE CAUCUS ON INTERNATIONAL NARCOTICS CONTROL

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HAITIAN NARCOTICS ACTIVITIES

SATURDAY, MAY 21, 1988

U.S. SENATE,
SENATE CAUCUS ON INTERNATIONAL NARCOTICS CONTROL,
Miami, FL.

The committee met, pursuant to notice, at 10:30 a.m., in room 2106, Wolfson Campus, Miami-Dade Community College, 300 Northeast 2nd Avenue, Miami, FL, Hon. Bob Graham presiding.

Also present: Senator D'Amato.

OPENING STATEMENT OF SENATOR GRAHAM

Senator GRAHAM. Good morning.

I wish to welcome all of you to our hearing this morning, which is being held under the auspices of the Senate Caucus on International Narcotics Control.

This Caucus is chaired by Senator Biden, and Senator D'Amato is the ranking minority member of the Caucus and has been a leader in the Senate and in America in bringing attention to the issue of drugs and their impact on our society.

I would like to also express my appreciation to the leadership of the Miami-Dade Community College, to Dr. McCabe, the members of the board of trustees, and to Dr. Padron for their continuing generosity in allowing us to utilize their excellent facilities for public needs of this nature.

A year ago, Senator Biden chaired a hearing which was held also at the New World Campus of the Miami-Dade Community College on narcotics control.

I appreciate his continued interest and leadership in this important issue.

Today I am joined by my colleague, Senator Al D'Amato, Republican from New York. Senator D'Amato has been a recognized leader in the fight against drugs and in the efforts to bring greater international recognition to the severity of the problem and to mobilize American resources.

In the last 2 weeks, we have had the opportunity of working closely in developing a new approach to how the American military can be effectively involved in the efforts to stem the flow of drugs into this country.

During some very strenuous and lengthy negotiations, Senator D'Amato displayed a unique understanding of this issue, and his wisdom and advice are an important part of shaping the American policy.

I appreciate your making the effort to be with us today, and we look forward to receiving your statements. I would also like to

extend a warm welcome to the witnesses who are here today. I recognize that Saturday is an off day for most of you, and I particularly appreciate your making the effort to be here and to inform us of your background on these issues.

This hearing has been called because of the Caucus' increasing concern about the role of Haiti as a transshipment point and as a production point for narcotics in the United States. Florida, as has so often been the case in the past, has felt the brunt of this flow.

In hearing testimony today, we will focus on the following issues:

The magnitude of Haiti's role as a transshipment point for narcotics, particularly in connection with cocaine shipped by the Colombian cartel into the United States via Haiti.

The role of elements of the Haitian military in narcotics trafficking.

The extent to which a network of current or former Namphy Macoutes play a role in distributing narcotics, particularly crack cocaine, in Florida and America.

The particular problems of bringing to justice those who are involved in the Florida crack network, especially problems relative to language, network mobility, and multiple identities.

Efforts through Operation Riverwatch to control the flow of drugs up the Miami River.

As we listen to the testimony today, one important thing should be kept in mind. There are tens of thousands of Haitians who are now living in this community, in Senator D'Amato's State, and in many other communities across America. These Haitians love the land and the culture of Haiti. They have left because of the intolerance and the violence within Haiti. It is their spirit which has contributed so much to the community where they now live. It is that same spirit with which they hope some day to return to the land of Haiti.

What this hearing is about is our efforts to avoid the conditions of violence and lack of respect for human rights which caused them to leave Haiti and to be transplanted to this land of the United States of America.

The overwhelming number of Haitians in our community want nothing more than to rid themselves of the conditions that caused them to leave their native land in the first instance. They need our help to do so, and that is the main reason why we are here today.

Senator D'Amato.

OPENING STATEMENT OF SENATOR D'AMATO

Senator D'AMATO. Mr. Chairman, let me thank you for giving me the opportunity of being here with you today.

Let me then simply say that Senator Bob Graham does not stand for reelection in this cycle and that he does not stand for reelection in the next cycle and, indeed, I doubt that he is going to have much difficulty in the cycle when he does run.

I say this because it is important to understand that, although there are those who rightfully say that the drug epidemic and crisis issue is one which politicians are using to exploit in an election year, and that it may be as it relates to many who seem to

fade from the scene when their election cycle is not up, that certainly is not the case with Senator Graham.

Were it not for his persistence as it relates to fashioning a compromise that brought about the legitimate use of the military, whose prime role will be to help detect the thousands of planes that carry drugs into this country, and to utilize the existing resources and to coordinate its actual use, to work with the DEA agents and Customs people, and our Coast Guard, we would probably still be debating the proper function and role of the military in the attempt to take on the drug dealers who now transship their cargo, not only from Haiti, but from all areas into our country.

I want to say that it is a deep privilege to be here with a colleague who does not just raise this issue, but who has seen his people suffer, as Governor; who sees this Nation suffering; who is ready to come together in a spirit of representing all of our people, not in a political manner as it relates to participant politics, but in using the political body to address an issue that certainly should be discussed. If it takes a national election to do it, to get the kind of action necessary to deal with it as it relates to his determination to see to it that this Nation does not support a Government that brutally suppresses its people in their legitimate aspirations, so be it.

I was privileged to join with Senator Graham in sponsoring a bill which would not permit continued financial aid to Haiti directly, but would see that humanitarian assistance is made available to the various independent agencies.

I commend him for that, and I commend him for taking time from his schedule to call this hearing. And that is why I feel very privileged to be here. And I certainly look forward to hearing the testimony from the two panels that you have brought together here, Senator.

Senator GRAHAM. Thank you, Senator.

We will hear from two panels this morning. The first focuses primarily on international issues of narcotics involving Haiti and the United States, and the second panel focuses on issues that are of particular importance to the State of Florida.

In the interest of time, I will introduce the members of the first panel by name and title.

I would request each of the panelists to limit their remarks to 5 minutes. At the completion of all of the introductory statements, there will be a time for questions.

I will introduce the members of the first panel in the order in which I will request them to speak.

First is Dr. Edouard Piou, Charge D'Affaires, from the Embassy of Haiti.

Dr. PIOU. Thank you, Mr. Chairman.

Senator GRAHAM. Second is Mr. Roger Biamby, executive director of the Haitian-American Community Association of Dade County.

Mr. BIAMBY. Thank you, Mr. Chairman.

Senator GRAHAM. Third is Mr. Fritz Pierre-Louis, who was formerly a lieutenant in the Haitian Army.

Mr. PIERRE-LOUIS. Thank you, Mr. Chairman.

Senator GRAHAM. Fourth is Mr. George Heavey, Regional Commissioner of the Southeast Region, U.S. Customs Service.

Mr. HEAVEY. Thank you, Mr. Chairman.

Senator GRAHAM. Finally we have Mr. Tom Cash, who is the special agent in charge of the Miami field office of the U.S. Drug Enforcement Administration.

Mr. CASH. Thank you, Mr. Chairman.

Senator GRAHAM. Dr. Piou.

STATEMENTS OF PANEL CONSISTING OF EDWARD PIOU, CHARGE D'AFFAIRES, EMBASSY OF HAITI; ROGER BIAMBY, EXECUTIVE DIRECTOR, HAITIAN-AMERICAN COMMUNITY ASSOCIATION OF DADE, INC.; FRITZ PIERRE-LOUIS, FORMER LIEUTENANT, HAITIAN ARMY; GEORGE HEAVEY, REGIONAL COMMISSIONER, SOUTHEAST REGION, U.S. CUSTOMS SERVICE; AND TOM CASH, SPECIAL AGENT IN CHARGE, MIAMI FIELD OFFICE, DRUG ENFORCEMENT ADMINISTRATION

Dr. PIOU. Thank you, Mr. Chairman.

Honorable Senators, members of the press, members of the panel, and ladies and gentlemen.

As Charge D'Affaires of the Government of the Republic of Haiti, I am grateful for the opportunity given to me to be here today to state the position of our government on drug trafficking.

I am very grateful, but I am also very concerned, very concerned about the way the public hearing has been organized. I am very concerned for two reasons:

First, I am very concerned because of the inordinate and undeserved attention that this hearing focuses on the Haitian people, undeserved attention that reminds us of the AIDS propaganda that stigmatizes our people.

Second, I am very concerned because the organizers did not pay us the courtesy of advance notice. I am, it is true, the representative of a small country, but of a sovereign country that deserves recognition.

It has been said that we hope that this hearing will result in better cooperation between Haiti and the United States, much needed better cooperation, because drug trafficking is not a Haitian problem, it is a global problem.

Being hurt, we submit the following:

In our official statement, issued on March 14, the new Government of Haiti affirmed its commitment to cooperate with the United States and international organizations to put into place all appropriate measures to prevent the use of Haiti as a relay point for drugs destined for the United States.

The statement, signed by the Prime Minister, Martial Celestin, and the Minister of Foreign Affairs, Gerard R. Latortue, makes clear the government's position that drugs are a plague upon contemporary civilization, whose related criminal activities and propagation in Haiti expose young and old to the gravest dangers in Haiti and in the United States.

The Government of Haiti is quite concerned, however, about attempts to single out its country for any special blame. The U.S. Drug Enforcement Administration has never characterized Haiti as a major—I repeat a major—drug transshipment point.

According to the official statement of the government, the government has moved quickly to strengthen its contribution to the regional, hemispheric and international war against illegal and criminal drug trafficking. In so doing, it wishes to avoid a repetition of the pernicious labeling that mistakenly infers some special link between Haiti and the AIDS epidemic.

The recently established Drug Enforcement Administration office in Haiti—the U.S. Drug Enforcement Administration in Port au Prince—is coordinating Haitian and American interdiction efforts. We are still negotiating with the DEA for much better cooperation. We do not maybe agree on who is to stop the trafficking because we have to participate.

We cannot allow any foreign government to do in Haiti what should be done by Haitians, or if Haitians cannot do it by Haitians and friends, we are willing to cooperate, but we cannot allow any foreign government to patrol our coast.

The Government of Haiti is simultaneously implementing measures to combat the local distribution of narcotics. We are organizing and beefing up the police force, by the way, after requesting the assistance of the United States to beef up our police force. This assistance has been denied, so we are currently working with France and with Israel to increase the capability of the police force in Haiti.

Furthermore, and finally, the March 14 statement also makes clear that in any criminal case, in any criminal case initiated in another country and requiring Haitian cooperation, the government will always welcome evidence and documented proof that can facilitate its own investigation and permit it to take all appropriate actions that are called for by Haitian law and by the Constitution of the Republic of Haiti.

Thank you.

Senator GRAHAM. Thank you, Dr. Piou.

Mr. Biamby.

STATEMENT OF ROGER BIAMBY

Mr. BIAMBY. Good morning, Senator Graham and Senator D'Amato, the members of the panel, and ladies and gentlemen.

The Haitian situation continues to be an extremely dangerous and volatile one. It is so because, despite his absence, Duvalier's government remains intact in Haiti.

The democratic aspirations of the Haitian people have been squelched by the Macoute forces, who did not lose their power base with the departure of Duvalier.

After 29 years of the brutal and corrupt Duvalier regime, the Haitian people indeed had great hopes, upon Duvalier's departure, that a true democracy would develop in Haiti. However, the military Macoute Council of National Government, as headed by General Namphy, who replaced Duvalier, did nothing to bring about any real change favoring democracy.

The popular call to uproot the Macoutes went unheeded. In fact, the Macoutes eventually returned from their temporary hiding places to participate in the Namphy-ordered elections last January,

and now serve as members of both Houses of the Haitian Parliament.

At the same time, Leslie Manigat, one of the organizers of the Macoutes in the early sixties, was chosen as President by the military because of a deal that had been worked out. Manigat agreed not to disturb the military Macoute power structure. Thus, the crisis in Haiti remains unresolved.

When Jean-Claude Duvalier left Haiti in February 1986, high ranking army officers quickly took his place in dealing with the international drug cartel.

It is a serious mistake to assume, as some U.S. public officials do, that Jean Claude Paul is the only army officer who uses his power and position to ship drugs, particularly cocaine, to the United States. Other high ranking officers involved in the same trade reportedly include Col. Gregoire Figaro, chief of police in Port au Prince; General William Regala, Minister of the Interior and of Defense under Manigat; Col. Prosper Avril in Port au Prince; Col. Hippolite Gambetta, Military Commander of the Artibonite Department; and Col. Aschilles, Commander of the Department of the North.

Assisting these men are the following: Major Casimir, who has now been assigned to work with the Drug Enforcement Administration, and Major Baguity, who heads the Criminal Research Section.

All of these men cooperate closely and protect one another and, for this reason, the recent indictment of Jean-Claude Paul by a Miami grand jury has no effect in Haiti. Leslie Manigat refused to accept the indictment, thus defending Paul and his fellow criminals. Manigat must be viewed as their accomplice.

These officers have created an effective drug smuggling network in Haiti and in the United States. They employ others to lease boats for them in the United States in order to smuggle cocaine into Miami. On their return trips to Haiti, these boats carry contraband products to be sold at local Haitian markets. This trade in contraband poses a serious economic threat to the few remaining legitimate businesses importing commercial goods into Haiti.

In order to bring democracy to Haiti and to put an end to Haitian participation in the drug trade, the military Macoute power structure that continues to dominate the country under the Manigat government must be dismantled. Failure to do so means the end of the aspirations of the Haitian people for political and economic reform.

Under these circumstances, the drug triangle—Latin America to Haiti and to the United States—will continue to exist and the drug trade will flourish. Unless the U.S. Government acts to support the legitimate democratic aspirations of the Haitian people and puts an end to the criminal government of Haiti, peace will never be achieved in the Caribbean region.

I recommend that the United States do the following:

One: Shift the focus of interdiction from Haitian refugees to Haitian drug smugglers. The Coast Guard should undertake a thorough search of vessels coming from Haiti. The search should be conducted within United States' territorial limits in order to avoid any complications resulting from international law.

Two: Undertake the surveillance of potential dropoff points for drugs in the United States. Haitian smugglers frequently pack cocaine in watertight plastic bags and tie the bags to small orange or yellow floats which they drop off at sea within the 3-mile limit. Small pleasure craft then retrieve the bags in order to avoid inspection by Customs agents. By maintaining a surveillance, the Coast Guard will be able to intercept these shipments.

Three: Haitian passenger and cargo planes should also be thoroughly searched upon landing in the United States. The Duvaliers and the Bennets use small planes, as well as the planes of Haiti Air—an air cargo company that is now defunct—to smuggle drugs into Miami. Only by inspecting all planes coming from Haiti will United States officials be able to close off this avenue of smuggling.

Four: The Drug Enforcement Administration must create a more effective force in Haiti in order to successfully investigate the drug trade there. The present Drug Enforcement Administration's force in Haiti faces two major problems:

First, Major Casimir, assigned by the Haitian Government to serve as liaison with the Drug Enforcement Administration, is himself a member of the military Macoute clique that is shipping drugs into the United States. Casimir was assigned to this position by then Col. William Regala. The Drug Enforcement Administration should immediately cease all interaction with Major Casimir and with General Regala, the Minister of the Interior and of Defense.

Second, two of the Haitians hired by the Drug Enforcement Administration in Haiti are well-known hoodlums in the Haitian community of New York. They both report almost daily to General Regala. The Drug Enforcement Administration must purge its force of these men and others like them, and undertake a thorough screening of all applicants to the force.

Five: All small planes from South America should be searched upon landing in Haiti. To accomplish this, the Drug Enforcement Administration must create a special force in cooperation with the few remaining honest men who are high ranking officers in the Haitian military,. Once created, this force can be used to identify and apprehend both civilian drug dealers in Haiti and military officers involved in the drug trade. To succeed, however, the force should be equipped with sophisticated police and military equipment. Moreover, the force must proceed with stealth in order to apprehend military and civilian drug smugglers. Ultimately, the actions of such a force will result in the de-Macoutization of Haiti and in a complete stoppage of the movement of drugs through Haiti.

Six: The United States should revoke the visas of any Haitians in Miami who serve as liaisons for Haitian drug smugglers. U.S. Government officials should also maintain a close watch of Macoutes stationed here in Miami and who are suspected drug dealers.

Seven: The U.S. Government must continue its policy of suspending military and government-to-government economic aid to Haiti and not give in to lobbyists hired by Manigat's group to convince U.S. Government officials to reverse that policy. The U.S. Government imposed its sanctions against the Manigat regime in response to the fraudulent election process that established it at the expense of the Haitian Constitution and the lives of many innocent civil-

ians. For the United States to reverse its position now would demonstrate an absence of resolve and of consistency in the foreign policy of the United States. Such an action would send a clear message to the world that the United States acts precipitously and thoughtlessly, and that its policies represent only the whims of the moment. Furthermore, in giving legitimacy to the Manigat government, such a reversal of United States policy would also condone the criminal activities in which that government is engaged at the expense of both the people of Haiti and of the United States.

The facts of politics and crime in Haiti speak for themselves. The November 29 election day massacre, the February 17 coup d'etat by the military, and the continued domination of national and local politics by an arbitrary and cruel regime supporting itself through economic exploitation and drug smuggling. In dealing with this regime, the U.S. Government must acknowledge these facts and take a firm stand.

Officials must not only consult their consciences and that of the Nation, but they must also consider the devastating effect that recognizing the Haitian Government and allowing the drug trade to continue will have not only upon the Haitian people but also upon America's image in the eyes of the world.

Senator GRAHAM. Thank you, Mr. Biamby.

Mr. BIAMBY. Thank you, Senator Graham.

Senator GRAHAM. Mr. Fritz Pierre-Louis.

STATEMENT OF FRITZ PIERRE-LOUIS

Mr. PIERRE-LOUIS. Good morning, Senator Graham, members of the panel, and ladies and gentlemen.

From 1981 until my desertion in November 1986, I was a second lieutenant in the Haitian Army. I am presently seeking political asylum in the United States.

At the time that I deserted, I was assigned to Casernes Dessalines under the command of Col. Jean-Claude Paul. Col. Jean-Claude Paul is a key link in the traffic of cocaine into and through Haiti. He organizes the flow of the drug into Haiti. He uses the forces under his control at the Dessalines barracks to protect the trade, which is a part of his network, and to seize and then resell drugs from those traffickers who are not a part of his network. Approximately 70 percent of the Dessalines force are part of Colonel Paul's drug operation.

An airstrip has been prepared at Jean-Claude Paul's ranch in Thomazeau to which drugs are shipped. This airstrip is secured by a platoon of soldiers from the Dessalines barracks.

In October 1986, I myself participated in a search at Santo Nine, a few miles from Port au Prince. As a result of the search, 6 kilos of cocaine were seized. I personally delivered this cocaine to Colonel Paul.

While he led me to believe that the cocaine would be sent to the Narcotics Bureau, that did not happen.

Again in October 1986, the police captured a Colombian drug smuggler and murderer named Carlos. Colonel Paul interceded on behalf of Carlos and he was freed.

In March 1988, four officers from the Dessalines barracks were arrested by the district commander of the city of Aquin after receiving a delivery of cocaine from a plane which had landed at Aquin. Col. Jean-Claude Paul, in command of a platoon of soldiers, went to Aquin and, by force, freed the officers who were a part of his network. The names of those officers are as follows: Lt. James Charles, Lt. Pierre Belizaire, Lt. Crueter Pinard, Lt. Clarelle Metellus.

This incident indicates that Colonel Park has, if not the support, at least the acquiescence of army headquarters in his drug operations.

Another important figure in the Haitian drug trade is Maj. Antoine Jean-Gilles, who is in charge of traffic to the Dominican Republic.

It is necessary to understand the link between Colonel Paul and drug traffic to and through Haiti, and the present situation of political turmoil and violence. Colonel Paul is a key actor in both of these scenes.

From the Dessalines barracks, in addition to the drug trade, are organized assassination squads to kill political opponents of the Macoute system, and to conduct general terrorism amongst the population in order to quell any popular unrest. Clearly, both the drug trade and the political violence are part of the same plan by those who see themselves as the heirs of Duvalierism to use Haiti for their own personal gain.

While Colonel Paul is a key player in this, it is obvious that he has the authority of the army headquarters and the present government behind him.

On November 12, 1986, I deserted from my post as a second lieutenant in the Haitian Army to seek political asylum in the United States, and to explain to the world the plans of Col. Jean-Claude Paul, Commander of Casernes Dessalines, and Minister of the Interior Regala, to organize a new Macoute government for Haiti.

After the departure of Duvalier in February 1986, I witnessed hundreds of Macouts being given safe haven at Casernes Dessalines.

While the Haitian people were hunting these criminals, Paul and Regala were protecting them and arming them with the intent of using them to seize control of Haiti and to continue in the Duvalier's 30-year tradition.

Paul organized death squads composed of Macoutes and soldiers in civilian clothing who were ordered out into Port au Prince to assassinate those perceived as enemies, and generally to spread terror and provoke chaos by random and arbitrary acts of violence. I was obliged to accompany these squads, but I did not participate in any acts of terror or violence.

Demonstrations by the population demanding democracy for Haiti were met with rage by Colonel Paul. We were ordered to shoot to kill the demonstrators. A group of eight officers, including myself, met and determined that we could not participate in this reinvigoration of the Macoutes, the mass violence and killings.

Thenceforth, while we would go out on patrol when ordered, we would not shoot at unarmed demonstrators, nor would we participate in random violence.

On November 10, 1986, we were called to a meeting of the officers and soldiers stationed at Casernes Dessalines.

Colonel Paul was irate and warned us that he was aware that certain officers were plotting to overthrow the CNG government and threatened us that such would not be tolerated.

On November 11, 1986, eight officers, myself included, received orders transferring us from Casernes Dessalines in Port au Prince to various other posts around Haiti. I was told to report to Port de Paix by the following day.

That evening, seven of us—we excluded Lieutenant Phillips, who we believe to be an informer for Colonel Paul—met to discuss our next steps.

Captain Cherubin told us that our lives were in danger; that if we were to allow ourselves to be transferred to distant ports, that would be the opportunity for the Macoutes to dispose of us, as they intended to purge the army of everyone who did not support the reconstruction of Macoute rule.

Captain Cherubin told us that he had friends in the Ministry of the Interior under Regala who had told him that Regala and Paul intended to have us all killed after we moved from the capital.

We therefore determined that myself and Lieutenant Toussaint, who had U.S. visas, would try to go to the United States and publicize what was being planned in Haiti. We believed that the publicity and world attention brought to the situation would serve to protect those who were not able to leave Haiti.

On November 12, 1986, it was reported that roadblocks had been set up near Gonaives, and I therefore reported to headquarters that I could not travel to Fort de Paix that day as ordered. That afternoon, I sent friends to the airport to ensure that my name was not on a list with immigration for detention.

As my name was not on that list, I boarded a plan and flew to Miami. Since that time, I have sought to publicize the true situation in Haiti.

I sincerely believe that only this publicity has ensured that those officers who remained in Haiti are still alive.

I believe that if I were returned to Haiti, I would be arrested for desertion and that, while imprisoned, I would be tortured and probably killed.

Thank you.

Senator GRAHAM. Thank you, sir.

Mr. George Heavey.

STATEMENT OF GEORGE HEAVEY

Mr. HEAVEY. Thank you, Senator Graham and Senator D'Amato.

I am the Regional Commissioner of the U.S. Customs Service, southeast region.

It is a pleasure to be here today to testify before the Senate Caucus on International Narcotics Control concerning the role of Haiti in drug smuggling and the Customs coordinated Operation Riverwatch on the Miami River.

The country of Haiti is playing an ever-increasing role as a major transshipment area for narcotics entering south Florida and is increasingly active in international trafficking operations to

Europe. Major drug trafficking organizations are reportedly exploiting Haiti as a base of operations, as a staging area, and as a rendezvous point for the transshipment of bulk quantities of cocaine and marijuana. Additionally, opportunistic Haitian groups are forming their own trafficking organizations in the United States and other areas of the Caribbean.

The U.S. Customs Service's southeast region's seizure statistics for the first two quarters of fiscal year 1988 already indicate that cocaine courier activities via air and cocaine trafficking via vessel into the south Florida area from Haiti are on the increase. A substantial increase in the number of small drug trafficking aircraft utilizing Haitian clandestine airstrips has been reported in areas west of Port au Prince, west of Caphaitien and along the north coast of Haiti. Uses included air drops, stash points, transfer points, refueling points, or simply to provide concealment of the aircraft. Additionally, Haiti is being increasingly used to transship drugs via direct commercial airline flights to Europe.

The Customs Service's seizure statistics for the first two quarters of fiscal year 1988 show that cocaine courier seizures have already surpassed those of fiscal year 1987, and that the quantity of cocaine seized is almost three times greater than the amounts seized in the entire 1987 fiscal year.

Fiscal year 1988's seizure statistics through February 1988 reflect a total of 21 seizures and 153 pounds of cocaine seized via commercial aircraft passenger activity.

Statistics for fiscal year 1987's commercial aircraft passengers consisted of 15 seizures and 59 pounds of cocaine, as well as one seizure of 660 pounds of cocaine from air cargo.

Fiscal year 1988's Haitian seizure statistics reflect 25 seizures totaling 2,223 pounds of cocaine, compared to 18 seizures totaling 4,637 pounds of cocaine during fiscal year 1987.

One seizure of marijuana from Haiti, consisting of 500 pounds, has been made in fiscal year 1988.

Fiscal year 1987's statistics include four seizures of marijuana from Haiti totaling some 5,493 pounds.

Reliable intelligence sources are reporting increased utilization of multiengine aircraft, such as DC–6's, in addition to conventional small private aircraft, to transport multi-ton loads of marijuana and large loads of cocaine from respective source countries to clandestine airfields in remote areas of Haiti.

Subsequently, shipments are off-loaded and either stashed for future transport or are immediately broken down and loaded onto smaller aircraft and transported to the Bahamas for airdrop or directly into the United States.

I would especially like to address maritime activity and our Operation Riverwatch.

Haiti favors the use of coastal traders for the transshipment of narcotics to south Florida. Recent intelligence indicates that Haitian-owned vessels are being registered under various names in order to disguise the identity and ownership of the vessels. In a similar manner, offshore corporations are often used to conceal the true ownership of financial interest in the vessels.

These vessels are often manned and operated by Haitians and are extensively engaged in cocaine trafficking into south Florida.

An analysis of Haitian vessel activity on the Miami River alone has revealed that approximately 45 percent of the vessels, and 60 percent of the vessel agents engaged in international trade, are documented for alleged involvement in alien and narcotics smuggling activities.

Seizure statistics for 1987 reveal the Haitian use of sea-land cargo containers, commercial cargo containers, for the transshipment of marijuana into the United States.

This is a trafficking method which may become more prevalent due to the increased container cargo activities at Haitian seaports.

Customs' seizure statistics for the first two quarters of fiscal year 1988 indicate that the same number of vessels have already been seized, and that the quantity of cocaine seized is already 40 percent of the total seized for the entire 1987 fiscal year.

Thus far, for fiscal year 1988, cocaine seizures have totaled 2,080 pounds, as compared to two fiscal year 1987 seizures totaling 3,938 pounds.

Through February of 1988, there has been one fiscal year, 1988, marijuana seizure totaling 500 pounds, as compared to four fiscal year 1987 seizures totaling 5,493 pounds.

Haitian immigrant groups operating in the United States, Canada, and other areas of the Caribbean are reportedly operating and controlling growing crack cocaine markets within Florida.

They are allegedly organizing drug trafficking organizations and are considering the growing and cultivation of marijuana crops in inaccessible areas of Haiti on a commercial scale rather than on the personal use scale currently said to exist.

The Customs Service is addressing the threat of Haitian narcotic trafficking with an increase in the frequency of intensive examinations on both Haitian passenger and cargo arrivals.

Due to a growing concern that the Miami River might be a frequently used off-load site for illegal narcotics coming from Haiti, as well as from other Caribbean countries, the Customs Service initiated Operation Riverwatch in July 1987. Operation Riverwatch is a Customs' developed and coordinated interdiction program that involves the participation of some 13 Federal, State, and local agencies.

I might add that these local agencies include community elements, such as the Bridge Tenders' Association, the River Pilots' Association, the Miami River Coordinating Committee, and the Miami River Business Association.

During the past 11 months, the Customs Service has coordinated a dozen meetings involving 13 agencies in an effort to better coordinate an effective strategy of interdicting commercial vessels with drafts of less than 7 feet. From the 13 agencies, a special enforcement working group has been formed to coordinate special operations on the Miami River.

Operation Riverwatch specifically identifies suspect small freighters entering the Port of Miami and the Miami River area, after which multi-agency teams board the freighters and conduct intensive examinations looking for violations of law or agency regulations.

Additional marine and ground support units are available to respond to any situation.

We really feel that Operation Riverwatch has been a tremendous success. We have conducted the operation in such a manner as to have made it an institutional function on the river. Through its multi-agency approach and its community approach, Customs has created an entirely new enforcement presence on the Miami River.

Because of Operation Riverwatch, the Federal, State, and municipal agencies are boarding many vessels which previously would have transited the Miami River with only a cursory inspection.

Operation Riverwatch involves the following: the U.S. Customs Service, U.S. Coast Guard, the U.S. Border Patrol, the U.S. Immigration and Naturalization Service, the U.S. Public Health Service, the U.S. Department of Agriculture, the Florida Marine Patrol, the Metro-Dade Marine Patrol, the City of Miami's Marine Division, the Dade County Public Works Bridge Tenders, the Biscayne Bay Pilot Association, the Miami River Business Association, the Miami River Consolidation Committee.

Since the beginning of Operation Riverwatch, the Customs Service has boarded 365 vessels, seized 19 vessels, seized 28 automobiles, seized 230 gallons of illicit liquor, seized 5,382 pounds of cocaine, and $121,240 in currency. We have issued 48 penalties totaling $718,224, and have made 19 arrests. We have also referred five vessels to the Border Patrol, as well as 47 individuals who were arrested, detained, or deported by the Border Patrol, by Immigration.

Later, Senators, you will have a firsthand opportunity to see and hear of the activities of Operation Riverwatch when we take you on an inspection tour of the Miami River.

Thank you.

Senator GRAHAM. Thank you, Mr. Heavey.

Tom Cash.

STATEMENT OF TOM CASH

Mr. CASH. Good morning, Senator Graham, Senator D'Amato, and fellow panel members.

My name is Thomas V. Cash, and I am the special agent in charge of the Miami Field Division.

We cover 11 offices in the State of Florida and six islands in the Caribbean, among them the Island of Hispaniola. We have offices, of course, in Santo Domingo, in the Dominican Republic, as well as in Port au Prince, Haiti, which are under my direction and control.

The office in the capital of Haiti, Port au Prince, opened in October 1987, and I think it is fair to say that it is a very new adventure. We do feel that there are significant amounts of narcotics transiting the country of Haiti.

We do see an alarming increase in the presence of the Colombian population in that particular country, and we do know that the Colombian traffickers are buying, or attempting to buy, legitimate businesses to use as front companies for their smuggling ventures.

Typically, once Colombian organizations gain access to countries and local commerce, they focus on the corruption of public officials to protect their interests. This practice has been described in detail in the 1986 Miami Federal grand jury indictment against members of the Medellin Cartel.

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The methods of the cartel, which have been well documented in the media, include force and violence—including threats to, physical assaults upon, and murder of informants, discordant employees and opponents of the cartel and their activities.

Recent political events and the long-term economic situation have also served to make Haiti a fertile ground for exploitation by drug traffickers. We are all aware of the very real problems facing Haiti.

These include the widely publicized political instability that followed the departure of the former President-for-Life, Jean-Claude Duvalier; the considerable public unrest that was associated with the most recent elections; the daily privations suffered by a large segment of the Haitian population.

From our own perspective then, the principal factors that solidified the Drug Enforcement Administration perceptions concerning the importance of Haiti to Caribbean area drug disruption efforts were that Haiti is located astride significant air smuggling routes from South America and Jamaica; the Haitian coastline is adjacent to the Windward Passage, a prominent sea route for drug movements. For some years, our intelligence has identified Haitian sites that were, and are, being used by South American traffickers as refueling points and transshipment points for cocaine and marijuana cargoes destined for the United States.

The Drug Enforcement Administration is now dealing with government officials who were installed with the new government in February of this year. As a result of the reorganizations in the new government, a civilian police force that will operate under the Haitian Justice Department was created. Formerly, law enforcement was under the control of the Defense Ministry. The military will retain an intelligence collection role.

We believe it significant that the Prime Minister in the new government also serves as the Justice Minister.

Of the many problems and challenges facing the new government of Haiti, the establishment and training of an effective narcotics element within the national civilian police force is central to the Drug Enforcement Administration's mission in Haiti.

We believe it essential that the current state of drug enforcement in Haiti be viewed, not as a measure of the new government's resolve, but as the manifestation of the simple absence of capabilities necessary to effectively confront and overcome the situation.

Through advice, assistance and training programs, the Drug Enforcement Administration will vigorously promote the development of an effective civilian narcotics police structure. The objective is to structure and equip a responsive force that has the capability of disrupting traffickers' access to, and use of, Haitian locations for their ventures. The availability of the State Department and Bureau of International Narcotics Matters' funding will be essential to this undertaking.

Our task can best be characterized as one of institution building, and we believe it is critical that we move without delay.

The current narcotics element of the Haitian police force is a 19 officer unit stationed in Port au Prince, and it is sobering to note that the unit has only two assigned vehicles.

Only one of the officers has received formal narcotics enforcement training but, fortunately, this is the officer in charge, who was trained in the Drug Enforcement Administration's schools. This officer has been charged with preparation of a plan for training other narcotics unit members and the eventual extension of in-country narcotics training to police units in the provinces. The development of credible antinarcotics police units in the provinces is within itself an enormous task.

This will be a long-term endeavor, but within our capabilities. The Drug Enforcement Administration will vigorously support this effort.

Another Drug Enforcement Administration aim is to encourage the adoption of procedures relating to Haitian interdepartmental coordination and information sharing, and the sharing of appropriate intelligence with the Drug Enforcement Administration and interdiction agencies of the United States.

For example, we see a compelling need for Haitian antinarcotics officials to develop and implement the capability to access and coordinate the flow of pertinent information amongst the police, Customs, Immigration, tax and other established systems.

The data of the most direct interest to narcotics enforcement in Haiti is information on the identity of individuals, both Haitian and foreign, smuggling and related criminal activity, information on the entry and exit of aircraft and vessels from Haiti. We are assisting in these endeavors and the Haitians are making some progress. We shall encourage the Haitians to adopt trafficker asset forfeiture laws similar to our own.

If, for example, aircraft with illegal fuel systems were subject to seizure under Haitian law, the impact upon drug trafficking organizations could be severe. This would, of course, require an expansion of their aircraft inspection capabilities. In a similar vein, the seizure of vessels with false compartments would certainly have a salutary impact.

At the same time, we must recognize the virtual nonexistence of an effective Haitian Coast Guard and the expanse of the areas not routinely patrolled.

The existing extradition treaty, which dates from 1904, does not address narcotics offenses. From time to time, we receive information that Drug Enforcement Administration fugitives have been observed in Haiti. We will continue to encourage the adoption of an extradition treaty that addresses narcotics offenses between our two countries.

We understand that mutual legal assistance treaty negotiations have been in progress for some time. We also see other opportunities in Haiti to improve our overall drug interdiction posture.

First, we encourage assistance to the government of Haiti in the installation of in-country radar-approach facilities.

The Drug Enforcement Administration's office will work closely with the assigned U.S. Coast Guard and with Defense Attache personnel at the Embassy in furtherance of this purpose.

The objective here is to close the radar gap between the radar facilities at Cabo Rojo in the Dominican Republic and the U.S. naval facility in Guantanamo. The coverage now available is effectively masked by the mountains north of Port au Prince.

Pending development of a credible narcotics enforcement capacity in the province, and upon achievement of an appropriate training base, we encourage the establishment of a United States-supported narcotics strike force patterned along the lines of the Bahamas and Turks and Caicos Response Team, which is commonly dubbed the Bat Team, and which is now operating in the Bahamas.

This concept involves the airlift of Haitian narcotics police officers to remote enforcement locations in response to time-sensitive tactical warnings.

In effect, mobility must be substituted for permanent presence. We have noted some Haitian successes during the short period since the establishment of our Drug Enforcement Administration country office.

Haitian police have reported four significant seizures, amounting to 672 kilograms of cocaine and 454 kilograms of marijuana. The three cocaine seizures, each over 200 kilograms, were made at the Port au Prince International Airport, the Cap-Haitian International Airport, and at Port de Paix. The marijuana seizure was made at Ile-a-Vaches, off the southern coast of Haiti.

As this Caucus is aware, a grand jury in the southern district of Florida recently indicted Col. Jean-Claude Paul, an influential military officer, for narcotics offenses. This is but another example of the corrupting influence of drug profits.

Haiti is not alone, of course, in having to face up to having officials who have been corrupted by the huge profits of drug trafficking. We have seen this elsewhere and, unfortunately, it is likely we will see more in the future.

We believe, and certainly hope, that the indictment of Colonel Paul, as in the case of other foreign officials, is being read by the Haitian people as a measure of our resolve.

To place this matter into the proper perspective, I would state first that the steps taken by the new government to transfer law enforcement functions from military control should be viewed as a forward looking step. There necessarily will be an interim period of transition, and it would be shortsighted for us to believe that the transition will be without pitfalls.

Pending development and expansion of the civilian-controlled police force, there is still the need for military law enforcement assistance.

Within the framework of our discussion today, and given the current resources available to the Haitian Government and the Drug Enforcement Administration, our best opportunity for early rewards is to improve the flow of tactical intelligence. Success here would enable the interdiction elements of the United States to improve the focus of their offshore drug interdiction efforts.

We all realize at the present time that Haiti is not financially able to create a police force of the size needed to address the cocaine traffic that is transiting that country, as well as the marijuana traffic. The Drug Enforcement Administration operates in a bilateral effort in the 65 offices in the 45 countries where we are located around the world.

Earlier, it was indicated that the Drug Enforcement Administration would be capable of establishing and initiating enforcement programs in that country. The Drug Enforcement Administration

will state for the record that we have continuously worked only in a bilateral manner in countries in which we are located and, in addition, we only do that through the cooperation of the host country's government—in this case, the existing government of Haiti.

There are several goals and objectives that have, primarily aimed at increasing institutionally the strength of the Haitian police and judicial systems so that they may be in existence so as to be capable of dealing with the situations that are currently being seen.

The successful initiation of a combined information center in Port au Prince at the airport will remain a central focus of narcotic operations.

INM funding, of course, is likely, and a request for equipment purchases on behalf of the Haitian police.

The narcotic arm of the Haitian police reports to the Prime Minister, who also is the Justice Minister.

There are, at the present time, 19 Haitian police officers assigned to that unit and, again, it is somewhat sobering to note that there are only two automobiles assigned for those 19 officers. So clearly we see that the long coastline of Haiti, which is largely unpatrolled, the lack of any aviation interdiction capability or air-approach radar, the geographical location of the country astride significant smuggling routes, the shortest length of which would be from Colombia via Haiti to the United States, all make Haiti an area in need of improvement.

We hope, as long-term goals, to decrease the availability of Haiti by use of narcotic traffickers as a transshipment and processing point. We hope to contribute to fostering an effective host government narcotic control policy.

We hope to assist Haiti in developing an effective anti-narcotics capability of its own, which is now in its embryonic stages, and we hope to continue to discourage the local use of drugs. Clearly we have our work cut out for us.

Because of the sensitivity which our counterparts in Haiti attach to some of the issues which they face today, it may be appropriate to address certain questions in a closed session. However, to the extent that I can, I will be pleased to take any of your questions.

Thank you.

Senator GRAHAM. Thank, you, Mr. Cash.

I would now like to ask a few questions and then call upon Senator D'Amato for any questioins he would like to pursue.

Dr. Piou, there have been some strong allegations made relative to the government you represent.

In fairness, if you would like to make any comments with respect to those allegations, we will be pleased to receive them.

Dr. PIOU. Are you talking about something specific or are you leave the choice to me?

Senator GRAHAM. You may select whatever you care to respond to.

Dr. PIOU. As to the first one, let me say, in response to Mr. Biamby's presentation, that, as an official of the government, I am not aware that the government has refused to accept the indictment of Colonel Paul.

As an official of the government, I must say that the charges have been submitted to the government and that they are under review at this time. That is what I know.

Furthermore, I agree with Mr. Biamby when he says that unless the U.S. Government acts to support the legitimate democratic aspirations of the Haitian people, peace will not be achieved in the Caribbean region.

I fully agree with that, but I cannot agree with him when he says in the same sentence that unless the U.S. Government acts and puts an end to the criminal government of Haiti, peace will never be achieved in the Caribbean region.

I cannot agree with him for two reasons:

First, he is talking maybe about some crimes, but he is not talking about a criminal government.

Second, I cannot agree with you would call for the Untied States to intervene in internal affairs of the country and put an end to the government.

These are two things with which I would not agree.

Furthermore, still on Mr. Biamby's presentation, I agree with Mr. Biamby when he says that the Drug Enforcement Administration must create a special force in cooperation with the few remaining honest men who are high-ranking officers in the Haitian military.

These are the only comments I wish to make now, but if there are any specific questions about any of the allegations, I will attempt to answer them.

Senator GRAHAM. You have indicated that the Haitian Government has not yet taken final action on the request for the extradition of Colonel Paul.

Dr. PIOU. That is correct.

Senator GRAHAM. Do you have any sense of when such final action might be forthcoming?

Dr. PIOU. Basically, regarding extradition, we cannot honor the request to extradite a Haitian, not just talking about Colonel Paul. According to our Constitution, we cannot do that.

Senator GRAHAM. What is the final action that the Haitian Government will take on the request for the extradition of Colonel Paul?

Dr. PIOU. As I said, the Haitian Government is currently reviewing the charges.

Senator GRAHAM. If, at the conclusion of that review, it is determined that the charges are sufficiently valid, what action might be taken?

Dr. PIOU. If they are valid and the person is convicted, the person will be punished according to the law.

In the case of Colonel Paul, he could be court martialed.

Senator GRAHAM. It would be an internal matter within Haiti?

Dr. PIOU. Yes, because it is basically, as we said in the statement, that we welcome evidence and proof, and then we will investigate and take the appropriate action that is called for under Haitian laws, because there is no extradition of a Haitian citizen.

Senator GRAHAM. I would like to ask the next question particularly of Mr. Heavey and Mr. Cash.

This is not particularly focused on the Haitian drug connection, but more generally on resources available within your agencies for drug-related enforcement activities.

There has been a considerable amount of discussion within the last few weeks about the Coast Guard and some of it resource problems and, more recently, the offices of the district attorneys nationally and, more particularly, the one here in the southern district of Florida.

Have your agencies had any reduction or withholding of resources that you had contemplated and, if so, has that reduction had any discernible effects upon your enforcement activities as they relate to drug trafficking?

Mr. HEAVEY. Senator, my agency has not received any resource reduction or decrease in operations, and it is functioning under existing resources.

As a Regional Commissioner, although this might be a bit parochial, I do hope that if and when the omnibus bill is passed, Customs in the southeast region will receive increased resources, such as the funds that we received under the omnibus bill of 1986.

The problem, is expanding, and it seems to be spreading through more and more countries, including those in the Caribbean. And we are waging the war in an extremely effective fashion on this front.

But, to be perfectly frank, my people are getting a bit tired and overstressed.

Mr. CASH. I do not think there is any doubt, Senator Graham, that we have the need for additional resources in the south Florida area.

I think that in the past I have seen an equalized approach of across-the-board distribution of resources when, as Mr. Heavey said, we are the main hub area, and I think the resources, were they to be available, I think additional resources should be focused in the major areas—in my opinion, New York, Los Angeles, and Miami, but not necessarily in that order.

We have seen a reduction in the Justice Department's budget, which was a net reduction of the U.S. attorneys present in the southern district of Florida. Yes, we have had investigations that were incapable of being pursued to the extent that we would have hoped for due to that reduction, and that was a budgetary reduction, I am told by the U.S. attorney, Mr. Kellner, who is much more competent to comment on this than I, that it was a 10-percent cut across the board without realization or reflection upon how that would impact on the most active Federal district court in the United States of America, which happens to sit across the street in the southern district of Florida.

Senator GRAHAM. Returning now to our specific focus on Haiti, Haiti was not on the list of some 23 or 24 countries that the State Department reviewed in 1988 for the purposes of their cooperation with the United States in drug trafficking enforcement. The rationale for Haiti's noninclusion was that it was not a sufficiently large, quantitatively, transshipment point to justify inclusion.

Mr. Cash, in your statement, you indicate that for some period of time the circumstances in Haiti have been alarming.

Mr. CASH. That is right.

Senator GRAHAM. Had the State Department consulted with the Drug Enforcement Administration in terms of whether to include Haiti in its watchlist of countries?

Mr. CASH. Sir, I am not familiar with that.

The Office of Intelligence in the Drug Enforcement Administration's headquarters is consulted in the establishment of the State Department's report, which I think you are referring to, and that is done at the headquarters level. But it is with input from the Miami division.

We have seen, and continue to see, a growing usage of Haiti as a transshipment point by the Colombians for cocaine destined for the United States by air and sea, as Mr. Heavey from the Customs Service has pointed out.

Senator GRAHAM. I have one final question before calling on Senator D'Amato.

Mr. Biamby commented about the number of Haitians who are currently operating within the United States as agents of the drug cartel, and who have U.S. immigration visas, and he suggested that those visas be lifted.

Mr. Biamby, Mr. Heavey, or Mr. Cash, I need some information as to how good our intelligence is in terms of identifying who those people are, and what the reasons are why they would continue to hold a U.S. visa.

Mr. BIAMBY. Senator, let me point out an incident that occurred a couple of months ago.

I received a call around one in the morning in my office, a call from Haiti, informing me that Major Casimir had personally overseen the loading of a drug shipment into a boat named the *Top Sail Star* that would be going to Miami, that the boat was to arrive in Miami 2 days later.

The person also informed me that a Drug Enforcement Administration agent stationed in Haiti would travel here the day before the arrival of that boat from Haiti to ensure that everything would be okay upon its arrival here.

I immediately informed the Metro-Dade Organized Crime Bureau and the FBI to trigger a reaction on their parts to search that boat. And I was told later on to be specific as to the location of the shipment on the boat. I was, of course, outraged that such a question would be asked of me, and I told them to just bring their dogs with them when they search the boat.

The contact person here for the Haitian Government is a known criminal named Lionel Woolly, who is a multimillionaire with a massive fortune, working for both the Haitian Government of Duvalier and the CAG. He continues to be very influential with the Manigat government.

If the officials of the United States are serious about tracking down those criminals, the drug smugglers here in Miami, the information will be coming very soon. But the officials of the United States must show us that they are serious and not just giving lip service.

Mr. HEAVEY. Senator, in my testimony, I mentioned that we have intelligence indicating that 45 percent of the Haitian vessels and 60 percent of the vessel agents are allegedly involved in alien and narcotics smuggling activities. Intelligence is an invaluable

asset, and it is the fundamental basis of the success of Operation Riverwatch.

The agencies working together and sharing information on the individuals and the vessels and on who owns the vessels, as well as their level of involved in the drug trade—there is a body of trained criminal investigators who work extensively on the river, and they work with the larger south Florida drug task force, which is a combined Customs and Drug Enforcement Administration function in the interest of sharing intelligence, investigating together, and providing that information to the Riverwatch to target, profile and go after those high viability or high predictability drug-wise vessels.

One most recent example was this past Monday when a vessel received 254 pounds of cocaine involving the master, the master's father, and two crewman, and the intelligence was very good.

The cocaine was concealed between the hull and the wooden decking of that vessel. And it was so well concealed that the Coast Guard boarded it out on the sea and searched it for several hours and did not located it. Immediately after the Coast Guard disembarked, the master or the captain told the crew members to move the cocaine. But again it was mainly due to intelligence that, when the vessel came in and our joint resources searched it, the cocaine was discovered.

Mr. CASH. Senator Graham, I would point out that, in concurring with what Mr. Heavey said, the Drug Enforcement Administration and the Customs Service jointly have been a part of almost every major investigation in south Florida in recent years.

We follow the narcotics when they take us to people, and we are devoid of political bias, and whether or not they are politicians is of no concern to us.

The evidence is presented to the United States Attorney, and if he sees that there is prosecution there, Mr. Kellner takes a very aggressive stand.

We are proceeding against all of those sources, whether foreign or domestic, who have trafficked in cocaine coming into the United States from Haiti or from any other country.

Senator GRAHAM. Senator D'Amato.

Senator D'AMATO. Thank you, Mr. Chairman.

I would like to go back to something that Mr. Biamby indicated.

I read in your testimony, Mr. Biamby, that Major Casimir is himself a member of the military Macoute clique that is shipping drugs into the United States, and that he was assigned to his present position by Colonel Regala.

Mr. BIAMBY. Yes, sir.

Senator D'AMATO. Now, Mr. Cash, what do you know about that?

Mr. CASH. I know, sir, that the Major was assigned by the Haitian Government—that he is one of 19 people with whom we work.

We do not conduct background investigations or any other investigations of host country officers who are assigned to work with us. And that is one of the limitations that the Drug Enforcement Administration has always had.

Senator D'AMATO. All right. Let me suggest to you then, Mr. Biamby, that if you have any information that would shed more light on this, you share it with Mr. Cash, and I would also like to

have a report as to what the information is that Mr. Biamby has and is willing to give as it relates to Major Casimir.

It also seems to me that we have other intelligence that the Drug Enforcement Administration should review to see whether or not the people we are working with are, indeed, the devils themselves.

If we have to rely upon the devil to smoke out the drug traffickers, and they are part and parcel of it, we are playing games with ourselves and destroying the credibility of the agency. And we would perhaps be better off to have no agency there than to have one that is set up in a conspiratorial manner by a government that cares not a whit because the very people who are at the control point in the military are involved deeply in that drug traffic.

I am not just suggesting now. I am going to push you on this, and you know that I will.

Mr. CASH. No problem, sir.

Senator D'AMATO. It would seem to me that this is rather important.

Mr. CASH. It is, sir.

Senator D'AMATO. Now, Mr. Biamby, I am going to ask you to be a little more specific, not with respect to Major Casimir, but to come forward and give us some more detailed information.

I am going to ask you to supply it both to this committee—I would appreciate that, and I think that is important—and to the Drug Enforcement Administration's agents as well.

But let me ask you this: You say here that two of the Haitians who were hired by the Drug Enforcement Administration in Haiti are well-known hoodlums in the Haitian community of New York.

Mr. BIAMBY. Yes, sir.

Senator D'AMATO. Please expand upon that because I find that quite disturbing, to be candid with you.

Do you know their names?

Mr. BIAMBY. Yes. But for purposes here, I—I will meet with Mr. Cash at any time in the near future, and I will supply him with additional names. And I will even tell him some things that he will be interested in knowing about, things that are happening in Haiti, but only if they are serious about doing things in Haiti.

Senator D'AMATO. Let me suggest to you that you brought up to this committee what I believe is very relevant and important information. If we can substantiate it, it is important, and it is going to make the agency more effective. And I believe that Mr. Cash is serious about this, no doubt about it.

Mr. BIAMBY. I will help him, Senator.

Senator D'AMATO. You do not choose to make public the names of those two individuals at this time, is that what you are saying?

Mr. BIAMBY. I can tell you that both of them lived in New York for over 15 years, and that they were involved in all kinds of activities—stealing, mugging people, and using drugs.

Senator D'AMATO. Do you know whether or not they have criminal records?

Mr. BIAMBY. Yes, sir. In New York they do have records.

Senator D'AMATO. What you are saying to this committee is that two people who have been hired by the Drug Enforcement Administration in Haiti, as they relate to their activities, have criminal records in the United States; that the Haitian community in New

York is well aware of their backgrounds and activities; that they are presently being employed by the Drug Enforcement Administration in Haiti?

Mr. BIAMBY. Yes, sir.

Senator D'AMATO. Is that correct?

Mr. BIAMBY. That is correct.

Mr. CASH. I find this terribly difficult to believe, Senator D'Amato, since we employ no Haitians.

This is perhaps a bit of verbiage as far as their being people who are utilized as informants, vis-a-vis employees of the Drug Enforcement Administration.

I would say that we will have to check this out and clear this up for the record, but I find that to be very serious and very difficult to believe.

Senator D'AMATO. Well, now, of course, you may have some—as you move in a little bit closer on this, you may find that Mr. Biamby is not talking about persons who are employed directly, but about those who are employed as sources by the Drug Enforcement Administration, as informants. What he is indicating is that they have these kinds of backgrounds.

Of course, we all know that you do not go to Snow White for information in illegal drug trafficking, Mr. Biamby, so we do have to get down to some specifics as to who is taking whom and as to who is using whom.

This would not be the first time that something like this has happened.

We had a fellow in the employ of the United States who was supposed to be looking out for our interests down in Panama, you know, and for 20 years he has been double, triple and quadruple dealing, and that is General Noriega. You do not generally go to the nicest people as it relates to some of this information. But I think it is important, because if you have this kind of information—indeed a leopard does not change its spots—these fellows could just as likely be involved in a double dealing situation where they are supposedly helping the Drug Enforcement Administration, and are really continuing in their old ways.

Mr. Cash, you are going to meet with Mr. Biamby, is that correct?

Mr. CASH. I am, sir. And I will also state, as you have pointed out, that we do not usually meet the people we work with at the National Cathedral, and it is difficult to get the Snow White people in these situations. But we will definitely be setting up the meeting within the next week, absolutely.

Senator D'AMATO. Mr. Cash and Mr. Heavey, over a period of time, one of our witnesses, Mr. Quinones, who was involved in the indictment as it relates to Jean-Claude Paul, gave some testimony about the elaborate use of the container shipment of food products coming in, and hiding the tins of cocaine within the shipments. He said that it would not be unusual that there could be up to 900 boxes in a container and that somewhere within the midst of 900 boxes of fish, there would be 50 boxes that would have the cocaine in them.

What has your experience been as it relates to that, that indeed the shipment of fish into this country is used as a major means of

concealing cocaine either within the fish containers or within the product itself, or within that shipment?

Mr. HEAVEY. Well, Senator, I have had, you might say, the unfortunate experience of being in south Florida for over 2 years now. When I first arrived, the largest by quantity volume of cocaine at that point in time was about 3,400 pounds. That was in early 1986.

Since that time, we have had 11 seizures of cocaine, all in containerized cargo, which has averaged in excess of 6,500 pounds.

The most recent one—working with the Drug Enforcement Administration in Tampa—was in the area of 9,000 pounds.

The shift over the past couple of years in smuggling cocaine has gone from approximately 3 percent in fiscal year 1987 to about 40 percent by weight, by quantity and by volume.

Senator D'AMATO. Are you suggesting that approximately 40 percent of the cocaine that comes in is coming in by way of containers?

Mr. HEAVEY. That is what we have seen in the last 2 years, a shift from 3 percent in fiscal year 1987 to almost 40 percent of the cocaine in fiscal year 1988. We are extremely apprehensive.

In the statement, I mentioned sea-land containers. It is very difficult, as you well know, to target containers at the Port of Miami, for example, where we average in excess of 6,000 containers a month. However, with the focus and some of the systems that Customs now has in place, we profile every shipment arriving by sea and by air.

We look, and we profile them. And then, again, those from the highest threat locations, coming from narcotic source countries, are given special attention.

For instance, if you look at such things as the commodity itself, the consignee, the importer, the Customs broker, the carrier itself, what track record we have, the routing of the container and the vessel, the monetary value involved, and the shipping costs, we have to do this because there is no way that we can work on a ratio of one-to-one, one Customs inspector to one container, because it is just physically impossible.

We do an awful lot of analytical detection in identifying containerized cargo.

Mr. CASH. Senator D'Amato, I agree with Mr. Heavey here, and I believe that the figure nationally is 7 million containers a year coming into the United States, 7.7 million, and it is a very difficult task.

No doubt there are, and have been for a number of years, coastal freighters that transit between Miami and Haiti carrying a variety of contraband goods ranging from bicycles to television sets. And we also have a number of informants reporting intelligence relative to the utilization of those freighters, containers and cargo in the bringing of cocaine from Haiti into the United States, that cocaine having originated in Colombia.

Senator D'AMATO. Let me ask you about your activities as they relate to money laundering.

Mr. CASH. Yes, sir.

Senator D'AMATO. It has been suggested that the seafood industry in Miami is the primary business operation that is used by narcotics traffickers and also in the laundering of money.

Have you set up a special task force in the Drug Enforcement Administration as it relates to that, and is the Treasury Department working with you on that? Or what exactly are you doing, if anything, in relationship to that?

Mr. CASH. Well, on the money laundering——

Senator D'AMATO. You know pretty well who the drug dealers are, or you have a pretty good idea of who they are, even though we all know that getting the proof is another matter. But the money laundering is a matter in which you can do something. You can seize those assets. It seems to me that this is an area in which we have been somewhat negligent, and I think we should be doing a lot more about it.

Mr. CASH. In Miami, Senator D'Amato, the Drug Enforcement Administration and the agencies that participate with us, the Customs Service and the FBI, seized over $132 million in cash and assets in this State.

Thirty-eight percent of that was in hard currency, and certainly there is a plethora of money launderers operating in and out of this city. But I cannot say that any particular industry at this point is more predominant than any other.

I would say that the numbers of people involved in this trade are legion.

Senator D'AMATO. How about this fellow, Lionel Woolly? Did you ever hear of him?

Mr. CASH. I do not have any particular recall of that name, no, sir.

Senator D'AMATO. Did you ever hear of Lionel Woolly, Mr. Heavey?

Mr. HEAVEY. No, Senator. But I would like to address here your statement of money laundering.

In addition to what Tom Cash has said, the Customs Service has operated, in conjunction with the Internal Revenue Service and the Department of Justice, in excess of five years now, Operation Greenback.

We have 40 to 50 special agents working with the U.S. attorney, the Internal Revenue Service, and with the Drug Enforcement Administration. They focus on money laundering and currency violations, and it has been extremely successful.

In addition, we also focus on shipments in traffic going out of the country, going to such source countries as Panama and Colombia. We focus on passengers and cargo departing the country, in looking for illicit drug proceeds, looking for currency.

Senator D'AMATO. Mr. Biamby, you testified about this Lionel Woolly.

Mr. BIAMBY. Yes, sir.

Senator D'AMATO. What does he do, this multimillionaire, as an official of the Haitian Government? Or is he an official of the Haitian Government?

Mr. BIAMBY. He does not hold an official post right now, not as an official.

Senator D'AMATO. You are saying that he is well connected, is that it?

Mr. BIAMBY. He is the liaison between General Regala and Colonel Figaro and Colonel Paul.

He is the contact here, and, in fact, he is like the Haitian Godfather in distributing those drugs when they come into this country.

Senator D'AMATO. Dr. Piou, do you know of this individual, this Lionel Woolly?

Dr. PIOU. Not personally, no. But I have heard of his name. I have heard about him, but I do not know him.

Senator D'AMATO. What did you hear about him?

Dr. PIOU. I have heard that he was very powerful during the time of the Duvalier government.

Senator D'AMATO. Do you know whether he has any contact with any of the individuals mentioned by Mr. Biamby?

Dr. PIOU. Not that I know of, no.

Senator D'AMATO. Is he some sort of a mythical creation in the mind of Mr. Biamby?

Dr. PIOU. No. And that is not what I said. I did not say that.

Senator D'AMATO. You are the Charge d'Affaires here, are you not?

Dr. PIOU. Yes.

Senator D'AMATO. Have Mr. Woolly or any of his associates had any occasion to call upon you?

Dr. PIOU. No.

Senator D'AMATO. You have had no occasion to call upon him or any of his representatives?

Dr. PIOU. No.

Senator D'AMATO. Is he wealthy?

Dr. PIOU. It is a possibility. But I have never met him, and I do not know.

Senator D'AMATO. What have you heard about him?

Dr. PIOU. I just heard that he was a very wealthy person during the Duvalier regime, and that is the only thing that I ever did hear about him.

Senator D'AMATO. Would you be in a position to know whether he does or does not have any of these contacts that Mr. Biamby told us about here today?

Dr. PIOU. Well, no, I dc not think so, because I have been in charge for just about a month now in Washington, and I have been in and out of——

Senator D'AMATO. In other words, you have not yet been in touch with the Godfather?

Dr. PIOU. With whom?

Senator D'AMATO. With Mr. Woolly.

Dr. PIOU. No. I do not—why should I get in touch with him?

Senator D'AMATO. Well, we have Mr. Biamby here saying that Mr. Woolly—have either one of you fellows heard of Mr. Woolly, Mr. Heavey or Mr. Cash?

Mr. HEAVEY. No, sir.

Senator D'AMATO. What about the Drug Enforcement Administration?

Mr. CASH. No, sir, I do not have that name.

Senator D'AMATO. How do you spell Lionel Woolly's name?

Mr. BIAMBY. The first name is Lionel, and I would guess that it is either L-y-o-n-e-l or L-i-o-n-e-l. And the last name would be W-double o-double l-y or W-double o-double l-e-y.

Senator D'AMATO. Well, we will see if any of the agencies have ever heard of him and try to find out what kind of an inspection he is under, if he is under any inspection.

We realize that you might not want to make that known, but it would certainly seem to me that you would have an excellent opportunity to follow up here on Mr. Woolly.

We are going to have to conclude now because we have a second panel that is waiting. But let me just simply say this to you.

I have never seen before more horrible or incredibly awful savagery than that which took place during the election process. The Haitian people wanted it and were involved in it, but were deprived of a free vote, being butchered in their attempts to vote.

I have to tell you, Dr. Piou, that—and I do not direct this at you personally—I have nothing but disdain towards the general who runs that place, or for the puppet who allows himself to be used as he has, or for Jean-Claude Paul, because I happen to respect the men and women who are undertaking law enforcement efforts in this country against great odds, against the failure of this Nation and our own people to mobilize in this battle against drugs, because it is not just law enforcement, but education.

We are the ones who are buying this junk and contributing to it, everybody who is using drugs.

The law enforcement people are strenuously laboring out there against great odds. Let me tell you something. If Jean-Claude Paul is indicted by the Federal grand jury down here in this district, you better believe that there is more than smoke and rumors behind that, that there is something of some substance.

He is a crook, he is a thief, he has aligned himself with the head of a murderous group. And you may take back to your people word that there are members of the Senate and of the Congress who know exactly what is taking place as it relates to the brutalization of the Haitian people.

Nothing there has anything to do with democracy, and it is a sham. And I have to tell you that this is one Senator who has deep, deep feelings and concerns, and I know that Senator Graham does also, with the plight of the Haitian people. And I look forward to working with Senator Graham in doing anything that I can to end that plight and that misery.

I also have to tell you something about national sovereignty. I think we have a right, particularly as it relates to a country that is inextricably linked to the United States, given its proximity and given the fact that people who have been oppressed there come here. This business about sovereignty should not be trivialized, certainly not at this hearing. And we do have, I think, a moral responsibility to exercise leadership, and that leadership might even mean taking on the Ton Ton Macoute [applause], and using the force and strength of this great Nation.

We better begin to examine our views and our relationships as I suggest that the same kind of situations exist in Panama, that there are parallels in Panama and parallels in Haiti, and is it not interesting that the military forces of each have pretty good communications with each other.

The birds of a feather, you know, flock together. And I will just leave you with that.

I certainly do not direct this to you personally, Dr. Piou. I make this observation as it relates to what is taking place in Haiti.

As far as I am concerned, it is not acceptable, and we have an obligation to do everything that we can to put an end to it. [Applause.]

Thank you.

Senator GRAHAM. Thank you very much, Senator D'Amato. And I wish to express my appreciation to this very informative panel.

There may be subsequent questions which we would reserve the right to submit to any of you in writing, and request that you respond for the record.

Thank you very much.

Ladies and gentlemen, our second panel is going to focus particularly on the issue of Haitian involvement in drug trafficking as it impacts on this community and on this State.

As I did with the first panel, I will introduce the members of the panel by name and title, but have the record carry a fuller biographical statement.

I will introduce each one of the four members of this panel in the order in which they will be called upon to testify.

Upon completion of all four of the statements, we will then have a period of questioning.

The first panelist is Mr. Clarence Dickson, who is the chief of police for the city of Miami.

The second panelist is Mr. John Shaw, who is the Assistant Commissioner for Investigations with the U.S. Immigration and Naturalization Service.

The third panelist is Mr. Michael Lanfersiek, who is a special agent with the Florida Department of Law Enforcement.

The fourth panelist is Captain Malone Stewart, who is with the Metropolitan Bureau of Investigation of the Orange County Sheriff's Office.

Chief Dickson.

STATEMENTS OF PANEL CONSISTING OF CLARENCE DICKSON, CHIEF OF POLICE, MIAMI POLICE DEPARTMENT; JOHN SHAW, ASSISTANT COMMISSIONER FOR INVESTIGATIONS, IMMIGRATION AND NATURALIZATION SERVICE; MICHAEL LANFERSIEK, SPECIAL AGENT, FLORIDA DEPARTMENT OF LAW ENFORCEMENT; AND CAPTAIN MALONE STEWART, METROPOLITAN BUREAU OF INVESTIGATION, ORANGE COUNTY SHERIFF'S OFFICE

Chief DICKSON. Thank you, Senator Graham and Senator D'Amato, for allowing me the opportunity to speak before the Senate Caucus on International Narcotics Control in reference to drugs in the Haitian community. I would like to read my statement into the record.

Senator GRAHAM. Chief, as with the first panel, I would request that each member of this panel limit his oral comments to approximately 5 minutes, with the full statement being available for the record.

Chief DICKSON. I have submitted a very short statement in writing so it will probably take less than 5 minutes for me to get it in.

Senator GRAHAM. That will be fine.

Chief Dickson. South Florida and Miami have long been considered the gateway to the United States from the Caribbean and Central and South America.

The geographical location of south Florida, and specifically Miami, has made this area an important link in legal trade between the United States and those countries. However, these same conditions have also made the area a favorite trade hub for drug traffickers, changing our communities for the worse.

In the early 1980's, the U.S. Government initiated programs aimed at certain countries with reputations for permitting illegal drug production and transportation to go unchecked. These programs have met with some success and have forced drug traffickers to seek new havens for storage and to seek new routes for their shipments to the United States and through south Florida.

Haiti, due to its location and unstable economy, is certainly one such port and route.

The greed and corruption of some high level Haitian officials during the Duvalier era more than qualified Haiti as a strategic point for drug trafficking. However, the problem has really reached its peak since Baby Doc fled the country in February 1986.

There was and is internal turmoil in Haiti, and the lack of leadership has created a vacuum favorable to the drug traffickers, which accelerates the corruption process of government officials. Some of these officials, attracted by the high profits of the drug business, have become themselves first-class drug traffickers.

Several high ranking career Army officers have been implicated in the drug trade and, not long ago, a well-known Haitian Army colonel, Jean-Claude Paul, who is in charge of the military barracks in Port au Prince, was indicted by the Drug Enforcement Administration in Miami.

Law enforcement agencies in south Florida realize the severity of the drug trafficking in Haiti as its relates to our communities. Haitian commercial vessels entering our waters were, for some time, looked at only in relationship to illegal aliens, but the concern of drug smuggling by these vessels had to be, and is now being, addressed. The scenario is simple.

The drugs coming from South America are transited in Haiti with the complicity of Haitian officials. From there, the drugs are either sent to an island in the Bahamas or shipped directly to the United States hidden in Haitian vessels involved with contraband.

The emphasis on the Haitian connection does not mean that the old routes have been completely abandoned. It only shows the enormity of the task facing the law enforcement community in combatting the illegal entry of drugs into the United States.

With 90 percent of the Haitian vessels docking along the 6 miles of the Miami River that are within the city of Miami, the workload of the Miami Police Department is greatly complicated.

The Haitian connection is not limited to the Miami area. From Miami to West Palm Beach, from Immokalee to Tampa, from Orlando to Jacksonville, the Haitian crack cocaine industry is flourishing.

In February 1987, a joint investigation by the Florida Department of Law Enforcement, the Metro-Dade Police Department, the

Saint Lucie Sheriff's Office, and the Miami Police Department resulted in the indictment of a dozen Haitians who were operating a $200,000 a week crack business in the Fort Pierce area, with connections in the city of Miami.

The positive results of this investigation would have been very difficult, if not impossible, without the assistance of Creole-speaking officers within several of the agencies.

The need for more Haitian police officers is a priority for the Miami Police Department, and should be recognized by all of the agencies that have any connection with the problems concerning drugs coming into the country.

We started with one Creole-speaking officer in 1985, and to this date we have been able to recruit seven more, and we now have a total of eight active Haitian-born police officers on the force. This is one of our key missions, we feel, with the growing drug trafficking problems in our Haitian community.

We see in police departments across the country, and especially here in Miami, the end result.

After all of the hullabaloo and the high level drug dealings, and all of the things that go into the drug culture, the bottom line is what hits the streets, and that is where the local law enforcement agencies become involved, and that is where we see the bottom line.

Now, the things that go on in Haiti—Haiti being a port of transit for the storage of drugs being brought into this country—are the preliminaries that occur in connection with the drugs coming into our country. But where it is really hurting the Haitian community and our local Miami citizenry is when the drugs get into the hands of what were previously some of the most law-abiding people in this country.

In the past, the members of the Haitian community have been some of the most law-abiding people who have ever entered into this country. However, now with the drugs—the drugs are now plaguing the Haitian community, and these same law-abiding people are beginning to be enticed into the drug business, as are our American citizens. It is very easy for law enforcement officers to find themselves locked out as to what is occurring in the Haitian community because of the language barrier.

As I said previously, the Miami Police Department now has eight active Haitian-born police officers on the force. There are very few people other than Haitians who speak their language so, therefore, if we are not careful, we might in fact wake up one day and find that what was once a peaceful, law-abiding, hardworking productive part of this community has become just the opposite of that, and no one will know how or when it occurred.

In spite of our increase in the number of Haitian-born police officers on the force, every time a Haitian recruit graduates from the police academy, it does not take very long before he or she is well-known by the Haitian dealers, and this, plus the closely knit organization of Haitian drug dealers, makes it extremely difficult to infiltrate the drug traffickers' network.

It truly is a problem that must be resolved because of its impact upon the success of undercover operations and the reduction of drugs within our communities.

In closing, I would like to say that we in the law enforcement community, especially in Miami and south Florida, must continue to recruit qualified Haitians to join the ranks of law enforcement.

We must continue to use joint or multiagency task forces in the war against drugs as traffickers certainly are not hampered by jurisdictional boundaries. Additionally, in these times of severe budget constraints on all of us, we cannot afford duplication of efforts and dollars which may not produce the maximum possible reduction in the drug problem.

Drugs from Haiti, as well as drugs from any other place, are destroying our children, the hope of tomorrow, and our communities.

We of the Miami Police Department are dedicated to the war against drugs, and we will continue to work to return our community to the decent citizens. And it is my hope that this Senate council or investigating committee will in fact be able to come up with some answers and some recommendations after asking the questions which you think should be asked at this time.

Again, I would like to thank you for having been given the opportunity to address this committee, and I look forward to a continued joint commitment in the war on drugs.

Senator GRAHAM. Thank you, Chief.

Mr. John Shaw.

STATEMENT OF JOHN SHAW

Mr. SHAW. Good morning, Senator Graham, and the distinguished members of the Senate Caucus on International Narcotics Control.

I am pleased to have this opportunity to appear here today on behalf of the Immigration and Naturalization Service to testify on Haitian narcotics activities in the United States, and on the response of the Immigration and Naturalization Service to this threat.

Let me preface my remarks by stating that the specific topic of today's discussion—Haiti's role as a drug transshipment point—in an area of overseas intelligence activity in which we are not primarily involved. To that extent, I must defer to my colleagues from the Drug Enforcement Administration and from the U.S. Customs Service to discuss how the narcotics are arriving in the United States.

Controlling aliens is our prime mission. However, the large percentage of narcotics violators who are aliens moves the Immigration and Naturalization Service squarely into the narcotics enforcement area.

What I would like to discuss are the unique capabilities of the Immigration and Naturalization Service to respond to the threat of alien narcotics activities and our ongoing efforts to thwart these and other alien criminal activities.

The Congress of the United States addressed the problem of narcotics offenders and criminal aliens as a national problem in the context of two major pieces of legislation in 1986, and those two pieces of legislation—the Anti-Drug Abuse Act of 1986 and the Immigration Reform and Control Act of 1986—thrust the Immigration

and Naturalization Service into the spotlight, if you will, in a major enforcement role which it must assume.

Perhaps the Immigration and Naturalization Service did not have the tools to effectively utilize in its role against the national problems of aliens committing serious crimes and of aliens being involved in narcotics.

The picture that the Immigration and Naturalization Service sees in south Florida is a microcosm of the problems that we are trying to deal with nationwide. The application of the Immigration and Naturalization Service's statutory jurisdiction to coordinated law enforcement is only now beginning to be realized. The nexus is obvious.

Narcotics trafficking as an international activity, almost by definition, involves criminal aliens. Newly emerging ethnic narcotics trafficking organizations are no different than traditional criminal organizations in their techniques or modes of operation. They use anything that works.

What is now, however, is the increased diversity of ethnic groups engaging in these criminal activities, and the increased difficulty in penetrating some of these groups, which include Colombians, Cubans, Jamaicans, Nigerians, Indians, and Chinese, among others. And the Haitian narcotics traffickers are among the newest of these criminal groups.

Investigative efforts have revealed that, within most of the emerging criminal organizations, the principals and active members are often aliens, and the organizations conduct their illicit activities using the services of aliens, and the organizations engage in the full range of violations under the jurisdiction of the Immigration and Naturalization Service—document fraud, alien smuggling, marriage fraud and illegal entry.

Disruption of criminal enterprises can be accomplished either through infiltration and prosecution of the narcotics statutes, or through removal of individual criminal members convicted of any variety of violations, such as those of immigration statutes.

The application of the Immigration and Naturalization Service's statutory jurisdiction to coordinated law enforcement efforts makes good sense.

The Immigration and Naturalization Service has traditionally accorded individual criminal aliens one of its highest priorities, and more recently we are actively targeting organizations involved in continuing criminal enterprises, particularly narcotics.

These investigations have given our agents tremendous ability and experience in dealing with alien communities, particularly in cultivating informants using as a lever highly coveted immigration benefits. Here in Dade County, Colombians and Cubans dominate the drug trade.

In Broward, Palm Beach, Saint Lucie, and Brevard Counties, and across the State to Tampa and around Orlando, Haitian groups have been able to set up networks. Our agents suspect that this is because the Haitians do not have the competition from the more sophisticated Colombian and Cuban groups, and because they can sell more easily to co-nationals and native-born Americans in those communities.

Our experience with Haitian traffickers, which is similar to our experience with Jamaican violators, is that they will frequently try to bluff local law enforcement officers into believing that they are native-born citizens of the United States, or that they are legal residents. But, because of the familiarity of our agents with these scams and with both genuine and fraudulent nationality documents, these false claims frequently evaporate as soon as our officers arrive on the scene.

The Immigration and Naturalization Service's efforts focus on preventing the entry of narcotics violators into the United States, and then locating and removing egregious individual violators who are in the United States, thus disrupting their organizations.

Our first line of defense is at the borders, and here in south Florida, the Immigration and Naturalization Service works with the U.S. Coast Guard to interdict illegal Haitian entrants before they enter the United States.

These efforts, however, have not disclosed this type of Haitian alien smuggling as a prime mechanism for narcotics investigation. Our inspectors at the airports have a somewhat different experience.

In calendar year 1987, 54 incidents occurred involving the seizure of narcotics or currency from Haitian aliens arriving in the United States via commercial air carriers, and 26 of these incidents occurred in Miami.

Through April 15, 1988, another 21 incidents occurred involving Haitians arriving via commercial aircraft, and 10 of these occurred in Miami. Approximately one-half of these incidents involved the use of counterfeit or altered entry documents.

To increase our detection efforts, the Immigration and Naturalization Service has deployed in Miami members of the terrorism, drugs, and fraud detection teams, who have received specialized training in identifying and intercepting bogus documents and narcotics.

Additional support to our port interdiction efforts is provided by our Intelligence Division's Forensic Document Laboratory, which assists in identifying fraudulent, altered and counterfeit passports, visas and immigration documents.

As full members of the El Paso Intelligence Center, our intelligence also receives valuable analytical support in identifying both individual violators and trends of violations.

Our efforts in the interior of the United States are focused on two primary areas, our activities as members of the Organized Crime Drug Enforcement Task Force, and our Alien Criminal Apprehension Program.

Because drug trafficking is no longer an isolated problem, but an everyday problem transcending all levels of society, the President has declared drug trafficking a matter of national security.

The Immigration and Naturalization Service became a full member of the Organized Crime Drug Enforcement Task Force on December 23, 1986, when the Deputy Attorney General approved a formal implementation plan for the inclusion of the Immigration and Naturalization Service. During May 1987, 13 of our full-time core city coordinators were selected and entered on duty. Miami is one of these cities having a coordinator.

An additional 87 special agent positions were committed to staff these 13 Organized Crime Drug Enforcement Task Force regions. At the present time, 85 of these positions have been selected and filled, and 4 of these newly filled positions are in Miami.

Since May 1987, our special agents have participated in 58 of the Organized Crime Drug Enforcement Task Force's investigations, formally accepted by the core city coordinating groups.

To date, the Immigration and Naturalization Service has been designated as the lead or co-lead agency in 11 accepted Organized Crime Drug Enforcement Task Force investigations.

As a direct result of the Immigration and Naturalization Service's participation in the Organized Drug Enforcement Task Force's program, our special agents have been responsible for, or have assisted in, drug-related seizures and forfeitures amounting to $7.3 million in currency, 91 vehicles, 169 firearms, 991.8 kilograms of cocaine, 1,521 vials of crack, 29.5 pounds of heroin, 21,211 pounds of marijuana, 60 pounds of amphetamines, and 500 units of LSD.

In addition, our special agents have arrested 484 aliens involved in illegal drug activities.

Significantly, the majority of investigative activity that resulted in these accomplishments occurred with less than one-half of the formal special agent positions filled.

To date, our activities in Miami have focused on Jamaican criminal groups, and our Organized Crime Drug Enforcement Task Force coordinator here has been directly involved in such activities as Operation Rum Punch, which was our national effort against Jamaican narcotics and firearms violators.

With the full implementation of our special agent staffing at the Miami Organized Crime Drug Enforcement Task Force, we will build on the impressive record which we have already established at other locations in the United States.

The Alien Criminal Apprehension Program is an aggressive multiphased strategy devised by the Immigration and Naturalization Service to remove criminal aliens from the street, from the community, and ultimately from the United States in as expeditious a manner as possible, consistent with due process requirements.

The program is designed to be proactive as well as reactive in nature, to detect and arrest criminal aliens both before and after incarceration.

One example of proactive efforts occurred during March and May 1987, when our investigators from Miami joined with the Fort Pierce Police in joint efforts to remove Haitians who had been convicted of possession of small amounts of cocaine.

Fifty Haitian aliens were taken into custody by the Immigration and Naturalization Service during these operations and placed in deportation proceedings.

Another example of that the Immigration and Naturalization Service in Miami is doing is streamlining the way aliens apprehended by other law enforcement agencies are referred to the Service and our own deportation hearing efforts in the cases of these incarcerated aliens. Nationally, the Investigations Division is coordinating the development of an Institutional Hearing Program in cooperation with the Detention and Deportation Program and the Executive Office of Immigration Review. The goal of this program

is to establish cooperative programs with State penal institutions holding deportable aliens.

Expulsion and deportation proceedings can be conducted in these institutions, thereby reducing detention costs and expediting the removal of criminal aliens upon completion of their sentences.

During the past year, approximately 1,000 incarcerated aliens, who had been sentenced to a minimum of one year and one day in prison, were referred to the Immigration and Naturalization Service in Miami via this process and, although only approximately 50 of these 1,000 incarcerated aliens were Haitians, the majority of them had been imprisoned based upon convictions for narcotics violations.

Special pilot projects are underway at four cities, including Miami, to increase our capabilities to respond to local law enforcement agencies' inquiries concerning aliens who have been convicted for, or are the subject of criminal investigations relating to controlled substances.

The Immigration and Naturalization Service has just brought on board a complement of four special agents who will be participating in the Organized Crime Drug Enforcement Task Force in south Florida, and with these agents fully assimilated into joint agency operations, we anticipate making a significant contribution to the war on narcotics in Florida.

The Immigration and Naturalization Service continues to work through its Institutional Hearing Program to expeditiously identify and process incarcerated alien criminal violators. In Florida, the majority of these felons are narcotics violators.

Miami is one of four pilot cities where we are exploring automated system prototypes to meet specific local needs in assuring prompt identification and referral of aliens of interest to the Service.

It should be noted here that one of the areas already identified as a bottleneck, which can be easily broken, we hope, is in the area of obtaining certified copies of judgment and conviction records of aliens who have been convicted of narcotics violations and serious felonies.

Certified copies are needed for deportation hearings, and expeditious hearings are delayed when such records are sought from distant counties, and this is a critical problem when detention space is at a premium.

The Immigration and Naturalization Service is currently working on enhancing the security levels at the Krome Detention Facility in order to facilitate the detention and removal of deportable aliens from the United States.

During the past calendar year, the Immigration and Naturalization Service has made significant inroads against criminal aliens, and this has been accomplished largely through regulatory initiatives and the creation of participation in new programs, such as the Organized Crime Drug Enforcement Task Force, operating procedures and guidelines, management system enhancement and enhanced public awareness of our role in the criminal justice community. Significant inroads have been made in targeting major violators of both new laws and those which previously existed.

With resource enhancements, additional manpower, actually coming on duty for the first time in 9 years, our investigations program is prepared to make greater efforts in thwarting these new criminal groups.

Two months ago, the Immigration and Naturalization Service submitted its first report to Congress relative to those provisions known as the Akerman amendment under the Anti-Drug Abuse Act of 1986.

By the end of 1988, Judge Roby, working with our general counsel and with our Investigations Division, will have afforded every State the opportunity to set up an Institutional Hearing Program in any institution, or in a number of institutions, in each of the States of the United States. The purpose of this is to take the incarcerated convicted alien population and to expeditiously push them through this somewhat clogged system of administrative review.

More specifically, coming back to Florida, Miami is one of the cities that the Immigration and Naturalization Service has designated a full-time Organized Drug Enforcement Task Force coordinator, to work full time in conjunction with other Federal agencies in joint task force operations.

The Immigration and Naturalization Service's Miami office has recently staffed its positions allocated to participate in that Organized Crime Drug Enforcement Task Force, so the way that we are approaching the problems of Haitians, Jamaicans and serious felony offenders involved in narcotics is with criminal alien track, more effective cooperation with the State and local police through a national strategy that we implemented in September 1986 and furnished to the Congress at that time. Senate Appropriations received that.

The second mode of operation upon which we have embarked, and which we have staffed with 100 agents, is participation in the Organized Crime Drug Enforcement Task Force, one of the cities being Miami.

In the past year, our first year of full operation in Organized Crime Drug Enforcement Task Force activity, the Immigration and Naturalization Service has participated in a full partner in 85 cases, and we exercised lead agency responsibility in 15 of those cases. And those cases have all either resulted in developed investigations, indictments or convictions, and they are all moving through the various criminal justice processes under the control or supervision of the key city U.S. attorneys.

I will be pleased to respond more specifically to your concerns as they relate to Florida, but I conclude by saying again that Florida to us represents a microcosm for the problems that the Immigration and Naturalization Service has had to deal with in focusing more specifically on this problem of criminal aliens, serious convicted felons, and searching for the tools and the expedited systems that will allow us to streamline this process that paralyzed the local criminal justice system, and it is called the administrative removal process of deportation under the ambit of the Immigration and Nationality Act.

I will be happy to respond more specifically to any questions that you have.

Senator GRAHAM. Thank you, Mr. Shaw.
Mr. LANFERSIEK.

STATEMENT OF MICHAEL LANFERSIEK

Mr. LANFERSIEK. Thank you and good morning, Senator Graham, Senator D'Amato, ladies and gentlemen of the press, and members of the panel.

I would like to take this opportunity to thank you on behalf of the Department of Law Enforcement for allowing me to express our position as it relates to crack cocaine and the Haitian community within our State.

As of late, the Department of Law Enforcement has become the depository for intelligence, both statewide and with other State law enforcement agencies outside of the State of Florida. We currently coordinate many multiagency State and local task forces to investigate crack cocaine trafficking, and we supply investigative expertise and support personnel to these multijurisdictional type investigations.

As I laid out in my synopsis, one investigation that we did began in Winter Park, FL, and culminated in Miami, FL, and the industry was reaping approximately, according to our estimates, $200,000 per week in the distribution of crack cocaine.

If there are any other comments that you would like to have me make, I will be pleased to answer them in answering your questions.

Senator GRAHAM. Thank you, Mr. Lanfersiek.
Captain Stewart.

STATEMENT OF MALONE STEWART

Captain STEWART. Thank you, Senator Graham and Senator D'Amato, ladies and gentlemen of the press, and members of the panel. I appreciate being given the opportunity to speak in front of you here today.

I would like to tell you something about the illegal aliens, namely Haitians and some Jamaicans, in the southern Florida area.

We mostly think of Orlando, as most people view Orlando, as Disney World and an area where we do not have any problems. But there is a very serious problem, an epidemic that is becoming a plague, relating to crack cocaine. Crack cocaine entered the metropolitan area of Orlando, FL, in the latter part of 1985 via Haitian drug dealers, Haitians being the latest large group of aliens to have come into our country at that particular time.

Prior to 1985, the Haitian aliens were at the lower end of the socioeconomic ladder, being only able to get service related jobs or jobs picking vegetables or fruit. But, in the latter part of 1985, with their introduction to crack cocaine, there came a meteoric rise of influence and social prominence for them.

In essence, prior to being crack cocaine dealers, they had been abused by blacks, whites, Hispanics, and just about anybody else; being sold cars for $7,000 when the cars were only worth $2,000, and then missing a payment and having the car taken away from them and resold.

Well, all of that changed with the crack cocaine, and the aforementioned, as I just explained, caught us unprepared and confused, because we had never experienced a drug so abundant, cheap and addictive. What was even more unusual was the fact that the abuse of the drug crossed all social and ethnic lines.

Normally, with heroin, it was mostly in the minority communities, but now we were having housewives from the more affluent areas who were involved, and everyone who tried this new drug, this crack cocaine, became highly addicted. And there are no recreational uses of drugs.

At that time, the Haitians were the masters of making crack and, therefore, they quickly became the kingpins of the trade, and an even larger problem evolved once a Haitian was caught, that he never made it through the judicial process.

Just off the top of my head, of a hundred Haitians we have arrested, just recently about 5 percent have actually gone through the judicial process of being prosecuted and going to jail.

The number of illegal aliens who deal in crack cocaine has increased by more than 300 percent in the past 24 months. And although the recent enforcement efforts of local law enforcement has somewhat stabilized drug trafficking by illegal aliens, one major problem remains. That problem is identification, pretrial detention and successful prosecution of those illegal aliens.

Less than 5 percent of all illegal aliens arrested by the Orange County Sheriff's Office for Narcotics Violations have been successfully prosecuted. A typical case scenario is one in which an illegal alien is arrested for trafficking in cocaine, booked into the jail and a bond is set. These illegal aliens bond out and are never seen or heard from again until they surface in another jurisdiction under a new name, for instance, in another service-related area or in another agricultural area, such as Fort Pierce. It is not uncommon to find Haitian dealers in possession of several pieces of identification in different names.

At the execution of one search warrant in Orange County, we found a Haitian crack dealer in possession of several driver's licenses in different names in his wallet, along with $15,000 in cash.

In another case, a Haitian drug dealer was stopped at the Orlando International Airport when he was bound for Haiti with $26,000 in cash in his possession.

We are told by Haitian informants, and there are few of them to come by, since they are a very closely knit community, that the proceeds from drug transactions are being taken to Haiti to finance the government. And we are also told that Haitians are recruited and smuggled into the United States for the sole purpose of dealing drugs. Through intelligence sources, we have documented a formal network of drug trafficking by Haitian dealers.

Cocaine is coming directly from Colombia to Haiti and then to south Florida, and on up the eastern seaboard and into Montreal, Canada.

In addition to drug trafficking, we have observed a transformation among the Haitians who, as Chief Dickson said before, had been, prior to the induction of crack cocaine, docile people. They were hardworking people, people who would work two service-related jobs, one at Disney World and one at Sea World. But that has

changed and now, during drug transactions, they carry machineguns and they are violent too.

Recently, a trend has developed where the Haitians and Jamaicans who are on record as being the most violent are starting to work together in the cocaine distribution business. Our present system encourages illegal aliens to come into Florida for the purpose of dealing drugs.

The enticement of making thousands of dollars a week dealing drugs, with the only consequence being paying a fine, obtaining a false identify, and relocating, is too good to pass up.

A special street drug unit, which started with eight drug agents at the beginning of 1986, averaged 50 arrests a month. Eight additional agents were added in 1987, and arrests doubled. If arrests remain on course as they are presently in 1988, we are expecting a 50 percent increase. In my professional opinion, if resources permitted the doubling of the present staff, the arrests for crack cocaine would double again.

The cost of cocaine has been cut in half from last year.

Our jails are overcrowded and under a Federal mandate, and the most damaging aspect of the entire situation with crack cocaine is this, abstinence from the drug, being in jail, is not a cure. They tell me that the only idea on their minds is to get back to the crack house. There is no rehabilitation in central Florida, no free rehabilitation. If anyone wants rehabilitation, he has to have major medical insurance.

The best thing going is a two-month program, and that is $17,000, and you have to pay $3,400, 20 percent of that, and the average person cannot afford it, if you are indigent. That includes juveniles too, because I checked with the HRS officials. I am speaking of Orlando when I say that there is no rehabilitation.

We need your help with the rehabilitation, and we need your help with the jails, and we need your help with harsher penalties, and we need your help with deportation.

If you or I were caught in a foreign country selling drugs, we would serve time for it, but that is not occurring in Florida.

The other thing that I would like to touch base on here is the fact that it takes four times to be caught dealing drugs in order to get State time. And when anyone does get jail time under the State system, only 20 percent of that time is normally spent in jail. And when someone is given a 3-year mandatory sentence, he is getting out in 6 months on a work release program. Crack is here to stay.

It is a question of supply and demand, and if we were to take all of the Haitians and all of the immigrants away, crack is still going to be here, and we are going to have to attack it in different ways. We are talking about a tremendous resource. A person who is totally addicted to crack cocaine and is selling it just to supply his habit.

We have other facilities, incarcerating facilities, for those people so that we do not load up the jails, and it is not a continuing revolving door situation.

Just last night, we executed a reverse sting where we were posing as the drug dealers, and we arrested 50 whites in one of the worst parts of Orange County that you would ever want to venture

into, within 2 hours, in a 2-hour period of time, and that ended in a shootout.

We have a serious problem, and any help would be greatly appreciated.

If there are any questions, I will be happy to try to answer them for you.

Senator GRAHAM. Thank you, Captain.

Captain Stewart. Thank you, Senator.

Senator GRAHAM. Focusing first on the role of the Immigration and Naturalization Service in this issue, it seems to me that there are at least three areas that have been sketched out by the first panel, or by you, and one of those is in identifying persons who are currently residents of Haiti, or who are in the United States as Haitian nationals legally, that is, with a United States issued visa, and who are involved in drug trafficking activities.

The second area deals with those persons who are in the country illegally, and who have been found to have been engaged in some felonious activities relative to drugs—how those persons are treated.

I would like to focus on those two aspects of the Immigration and Naturalization Service's involvement.

First, what is our level of intelligence, Mr. Shaw, as to persons who are in the United States with a legal visa, and who are involved in drug trafficking, and what kinds of actions do we take to try to screen those persons out initially and when they come to our attention, to lift their visas?

Mr. SHAW. Senator Graham, the level of intelligence that has reached the Immigration and Naturalization Service, certainly which derived benefit of the products of the intelligence community of which we may not be a formal member, has not let us do a focus on a significant problem of the importation of drugs, or an infrastructure, and therein lies the problem which Haitian crack and the distribution range that we have heard described here today.

One is that the level of activity seldom rises to meet the threshold of the Drug Enforcement Administration or of the Federal Bureau of Investigation. And there may be some question as to whether it reaches the threshold of acceptability for the OCDETF, the Organized Crime Drug Enforcement Task Force.

I have asked Mr. Kearns to look into that. And I think that since there is a middle road here, our best way of addressing this problem, developing this intelligence and focusing on the problem is to move into this middle area. And the ATF and the INS have begun to do that, certainly on Jamaicans. And there is a problem with Haitians, and there has been here in Florida, and the access seems to be in the Fort Pierce, Orlando, and Tampa areas. And we have moved in there before on a joint operation. And I think that is the way to approach that, to work with State and locals, and with the Immigration and Naturalization Service, using its identification systems to try to get a handle on known felons, members of the Haitian community who have been previously convicted, and who are clearly amenable to deportation, and to work out some joint operations that will allow us to harness our limited resources and go

in for limited duration operations. And I think it would be highly effective.

The second way that we hope to approach it in working with the State and locals, is by presenting certain cases with regard to Haitian traffickers and crack operations to the Organized Crime Drug Enforcement key city attorney here in Miami now that we have staffed this office. And I have discussed that with Mr. Kearns.

Frankly, from the Intelligence Committee, with regard to drug intelligence, our focus has been on Jamaicans, and we are operating today in about 15 cities, because the clear appearance of an infrastructure amongst Jamaicans and their known propensity for violence that has related to Jamaican involvement in cornering their share of the narcotics market——

Senator D'AMATO. If I might, Mr. Chairman.

Let me put you on the spot, Mr. Shaw.

What to date has your local District Director evidenced as it relates to the deportation of criminal aliens?

Mr. SHAW. I did not hear the first part of your question, Senator.

Senator D'AMATO. What programs do you have? Do you have a program, or have you talked to Judge Robey, or are you deporting criminal aliens after they have served their time and, if so, how many have been deported?

Mr. SHAW. I do not have the numbers, but I can give you the numbers of 18,000 completed criminal investigations with regard to criminal aliens, nationally, this year which is an increase over——

Senator D'AMATO. What I am asking you is here in this region.

Mr. SHAW. I would have to get that for you.

Senator D'AMATO. Do you have a process whereby, before that criminal alien who has been convicted and served his time is discharged from the city jail or State prison, they get their review and are eligible for deportation, or are they basically just discharged back out onto the street?

Mr. SHAW. No, sir. We have a process here that focuses on the 33 State investigations.

There are 33 of them that are spread throughout the length and breadth of Florida, and we have identified 2,500 criminal aliens who were incarcerated and serving sentences for felony convictions, which shows that they are docketing information, and their conviction records show foreign nationalities, foreign birthplaces.

We have placed detainers at this point in Florida on about 1,000 of that population, and we track them and work in conjunction with the department of corrections in Florida in improving our tracking capabilities so that at such time as they are discharged, we then put them into our expedited hearing process.

I do not have the end results of——

Senator D'AMATO. Let me ask you about the expedited hearing process.

Mr. SHAW. Yes, sir.

Senator D'AMATO. Does that mean a release or that they are detained?

Mr. SHAW. At the present time, they are turned over to INS, the Immigration and Naturalization Service.

Senator D'AMATO. And you hold them?

Mr. SHAW. Not in Krome any longer.

Senator D'AMATO. You parole them?

Mr. SHAW. Our detention facility has been closed down in Florida until it can be toughened up as a minimum security institution, which I believe was a Senator Chiles' rider on one of the recent appropriation bills.

Senator GRAHAM. I think he is asking a broader question.

What is the third category after illegal persons who are in the United States have committed felonies, persons who are in custody?

Mr. SHAW. Who are incarcerated?

Senator GRAHAM. If, at the conclusion of the period of incarceration in a State or Federal institution an illegal alien is about to be released, what are the steps that the Immigration and Naturalization Service is currently taking?

Mr. SHAW. The program that we have embarked on is to push those people, to accelerate them through the system, or through the institutional hearing process. It is to receive them when the State releases them and, in Florida, that means moving them currently to either Oakdale or to Houston, since we have no holding facility, and only five jail cells or spaces, leased jail spaces, in the entire State of Florida. It is to remove them to Houston or Oakdale, and to expedite them through the Robey accelerated hearing process, except for the Cubans.

Senator GRAHAM. Let me take the example of a Haitian national who has been serving a sentence in a New York State penal institution.

After they have the administrative hearing, and after they have been removed to a Federal detention facility, what would be their path thereafter, and how long would it take to complete the process?

Mr. SHAW. That could involve one of two paths, Senator.

The first path that we would encourage—in placing a detainer on that person and in interviewing him, we would hope that he would not seek any waiver under the law; that, as a convicted felon amenable to deportation, he would accept an expedited hearing process, and we would take him before a judge when he is available. And that is one of the pilots set up in New York, and it is functioning, one at Fishkill and one at Riker's Island. That would be the best of all worlds.

Senator D'AMATO. You are not yet pursuing that?

Mr. SHAW. Yes, we are, State by State.

The worst case scenario is that, under the provisions of the Immigration and Nationality Act, if the person has been in the United States and has gained permanent residence or has been here for 7 years, regardless of a Federal conviction or a felony conviction at the State level, he can seek a waiver of that, he can ask for a hearing, and that hearing process can be protracted. Judge Robey is seeking clean cases.

Our ability to expedite people through that process depends upon their ability to accept a waiver of their rights under the law. If they wish, they can protract the process for up to two years.

I think there are 52 administrative law judges who—let me correct that. There are 52 hearing officers or immigration judges who handle all of the criminal alien removal cases.

Senator GRAHAM. How many cases do you average per year?

Mr. SHAW. I am going to have to research that, Senator Graham, because the institutional hearing process is not under the control of the Immigration and Naturalization Service.

As far as the Executive Office of Immigration's review, I can only tell you the inputs into that system and then how many are quickly expedited through. And that is exactly the process that we are trying to institute and to measure the trickle out the other end. Hopefully we can expand that trickle.

Last year, we completed 18,000 criminal alien cases, which means that we identified and presented into the hearing process 18,000 aliens who were, under the law, amenable to deportation, and that was 10,000 person increase over the year before.

I will also tell you that part of our problem in the Immigration and Naturalization Service is that we have taken a plethora of legislation which the Congress has given us under two major bills in 1986, and we are embarking upon a course of trying to implement those provisions all at once.

We had something called "employer sanctions" as the centerpiece of immigrational form legislation. We have a focus upon getting a better hand upon incarcerated aliens and seeking to work with the Executive Office of Immigration on the expedited hearing process.

We have a major role to play now in connection with the narcotics defenders, in early identification and in tracking them through the system, and it is not easy to set up an automated system within a year in any Federal agency, and certainly not in the Immigration and Naturalization Service.

We are in the process of instituting that as the system's pilot, relative to the Akerman amendment, so that we can track more effectively and coordinate our hearing process with the State release date of those felons.

One of the other things that we are embarked upon, of course, is coming in belatedly as a full partner in the task force operations. Because of the language capability, the knowledge of the alien community that the immigration agents bring with them—this is to correct a major misunderstanding on the part of most Americans, and perhaps even some Members of the Senate, which is that the Immigration Service's enforcement responsibilities do not end at the border; that it is not simply a thin green line out there; that something happens when the aliens penetrate that line, either as legal entrants when they overstay, or as aliens who come here and break our laws, and who should forfeit their rights under the law.

It then falls into our purview, within the Investigations Division, and there is a whole criminal justice system, if you will, which is called the administrative review process, in addition to the local criminal justice system.

Senator D'Amato and Senator DeConcini have addressed various provisions of that in the Anti-Drug Abuse Act of 1988.

We submitted extensive comments on those expedited deportation provisions.

I would harken back to some pending legislation which Senator Chiles has recommended, and which we think avoids some of the civil liberties complications and some of the perhaps more draconi-

an measures in these specific provisions proposed in the pending legislation. And Senator Chiles has looked for loopholes in the existing law that would allow for Immigration and Naturalization Service to get a better handle on criminal aliens, on convicted offenders, on re-entrants after previous deportation, or against aliens who have absconded from the present process, and getting those warrants that we have issued into the Bureau's NCIC inlets data base. We are not to date.

Those I reference are S. 972, S. 973, S. 974 and S. 985, and there is companion legislation that has been introduced by Congressman Lawrence J. Smith of Florida in the House. And I think those bodies, or those particular bills, would address the concerns that you two Senators have raised here today.

It is a quagmire, and we are trying to address that quagmire. And I think Judge Robey has shown himself to be more flexible, because he is trying to implement the same provisions of the law by statute that we are trying to implement. And I think there is more cohesion and exchange of information, but it is by no means a perfect system.

Senator GRAHAM. I think Senator D'Amato might want to pursue further the issue of incarcerated illegal alien felons, but I would like to go back to the first two points, and one if the national who is legally in this country and has a visa issued by the United States, and who is considered by law enforcement to be using that legal presence in the United States for illegal purpose, in this case involving drug trafficking.

Mr. Shaw has referred to the need for close intelligence linkages with State and local law enforcement. Would any of the representatives of the local or State law enforcement agencies be able to comment as to how effective you think we are in identifying those persons who were in the country legally and who are using that legal presence for a drug or other illicit purpose?

Mr. LANFERSIEK. I will take that for a moment, Senator.

The Department of Law Enforcement in early April, as I set out in my synopsis, of 1986, began an in-depth intelligence gathering process about the crack cocaine.

Much was being said in the law enforcement communities about the American street gangs, such as the Miami Boys, being the center of attention for crack cocaine. But we quickly discovered, in talking with other law enforcement agencies, that it was not.

We discovered that the Haitians had quickly taken over this lucrative business, and we then asked for some help from the Immigration and Naturalization Service in ways that we could determine how these people were bypassing our systems of identification.

We found that, on many occasions—I cannot remember the form number, but it is basically a temporary or probationary type of green card that was being bootlegged, so to speak, and along with a sworn affidavit from an agricultural person that these people needed a driver's license to operate farm machinery, for example, they were walking into our driver's license bureaus and acquiring a driver's license, which meant that they then had a permanent piece of Florida identification.

It was with the help of the Immigration and Naturalization Service out of Tampa—I believe that his name is Fernandez, but I am not sure that we were able to convince the Department of Motor Vehicles and VHSMB that we had to tighten loopholes, which we have done.

Mr. SHAW. That is right.

Mr. LANFERSIEK. We have had great success in after-arrest contact with the Immigration and Naturalization Service, but I think they are like everybody else, that they do not have the support personnel to be there with us in the field all the time.

After we had made some arrests and gotten people in jail, I personally have had good response from it.

We have a situation in Fort Pierce right now where we are planning to go to trial on the 1st of June, next month, on an oral intercept. We feel certain that just as soon as our convictions are upheld and these people are passed through our system, the Immigration and Naturalization Service is going to be there to take them out of the country.

Mr. SHAW. Let me comment, and compliment as well, a little bit on the program that I believe the officer is referring to, and that is the Special Agricultural Workers' Program, which was a rider or a part of the Immigration Reform and Control Act, and which was put in specifically to address agricultural concerns relative to perishable crops.

We have currently about 220 investigations going that relate to that program alone, investigations of suspected fraud. Of 107,000 applications processed to date—I think the law allows for 900,000—of the 107,000 processed to date, 10,000 have been rejected up until now as being fraudulent on their faces and, in addition, we have had task forces in South Florida not terribly successful, and more recently in Charlotte.

Throughout the country, we have investigations of another 220 in number focusing on facilitators, arrangers, and document vendors—not individual applicants—that feast on that particular program because the degree of certification is only 90 days in some forms of agriculture, so that is a separate problem from the narcotics, that is a problem of aliens picking up quickly on this loose system of documentation in the United States, part of which involves the Immigration and Naturalization Service, the type of documents it is using in authorizing work while certain applications for benefits under the law are being processed.

We have lived in Florida with some of the horrors committed in the past on the type of documents and the lack of control over those documents that we have issued as a service.

Senator GRAHAM. Agricultural documentation is one specific issue but the kinds of people who were described by the first panel as being here in Miami, and allegedly involved in drug trafficking, do not strike me as being the kinds of people who would have gotten here under agricultural documents.

Mr. SHAW. Senator Graham, the law requires a conviction, and usually those convictions for the offenses committed are at the State and local level. And the Immigration and Naturalization Service depends very much upon the local criminal justice system.

Senator GRAHAM. Do you mean that if, for instance, Chief Dickson were to give you some credible information that there was an individual in the city of Miami who was involved in drug trafficking, and who was here legally, and who held a visa issued by, in this case, our Embassy in Port au Prince, there would not be a procedure under which that person's right to be in the United States could not be terminated?

Mr. SHAW. Absolutely. And that would be a matter for us to pursue.

That is a violation of not only immigration law but, because the Immigration and Naturalization Service has clearly responsibilities for narcotic offenses and for identifying narcotics offenders, that would clearly be a matter that we would have to investigate with limited resources. I am talking about two different situations.

One is where we are trying to track a population of incarcerated felons who are easier to remove, and——

Senator GRAHAM. I am trying to separate——

Mr. SHAW. I understand.

Senator GRAHAM [continuing]. What I think are three different categories of problems here.

Mr. SHAW. I understand.

Senator GRAHAM. Right now, I am focusing on those people who have a document that indicates that they have a legal right to be in the United States, and where the appropriate law enforcement agency has information that they are using their legal presence for illicit purposes.

I wonder whether any of the three law enforcement representatives could comment on any experiences that they have had in that connection and what those experiences might have been, or how successful they might have been.

Chief DICKSON. Senator, we have not, to my knowledge, had any personal experience in arresting the Haitian drug traffickers and having them successfully deported or even removed from society.

I think that the problem of drug trafficking among the Haitian communities is not given enough importance because we just do not know how involved it is because of the language barrier that exists between the law enforcement agencies that investigate these kinds of crimes and the people who are being arrested.

Usually, the arrest almost ends the investigation, and there is little further followup beyond what we are discussing now, such as whether or not the person is an illegal alien, but to investigate the administrative aspect of the business of the drug traffickers and higher connections, but the language barrier has often been the greatest barrier to further any successful investigation.

Very few people speak the language of the Haitians, and it is, besides being a very difficult language, not a written language. But I think the problem is much larger than what most law enforcement people envision, and I think it needs to be dealt with now.

It is not as big as the Jamaican drug problem, but it can get there. And I think the time is ripe right now to deal with it so that it will take, as Mr. Shaw said, the resources or manpower which is a problem for all of us.

At the present time, I believe that working smart, along with working hard, is what we have to do.

As a result of this meeting today, I will certainly pursue—I am very happy to hear the Immigration and Naturalization Service say that they will pursue those kinds of drug offenders, those high-level drug offenders, who can be identified by the local law enforcement agencies, because that will make the hundreds of hours that we take to investigate these people worthwhile, because we know that we can connect with the Immigration and Naturalization Service at the early stages of investigation and keep them abreast right on through until they finally say, "Okay, we have got enough." And that will be time well spent, and we will certainly be happy to do that.

Senator GRAHAM. Would either of the other two law enforcement persons have any comments to make on the question of this foreign national who is legally in the United States, and upon whom there is information that they are engaged in illicit activities, such as drug trafficking?

Captain STEWART. Well, Senator Graham, the way it has occurred in central Florida is that, once that person has been arrested and he bonds out, he absconds and goes to another area and says that he works for Farmer Jones and he signs that statement. He does not go through a judicial process, having never been convicted, he never goes through that and——

Mr. LANFERSIEK. Senator Graham, excuse me, please.

In an investigation that we recently had, we tracked our case target who was here on a temporary.

He had married an American, and he and two other co-conspirators in the investigation, along with his wife, flew from Melbourne, FL, to Quebec. And they went to our Embassy there and attempted to expedite his permanent status. Not utilizing our Embassy in Port au Prince or the channels here, he went into Canada.

So many of them will go into Canada and attempt to enter from Canada into the United States to show their permanent status, even though we have been investigating them.

This man was the subject of an all-intercept, and he left and went to Canada and attempted to show that he was coming in from Canada. These are the loopholes that we are confronted with once they are already in the country.

The people that Customs and the DEA representatives were speaking about are the persons who basically get directly into our country from Haiti, and we are then having to deal with what they do not get. We are dealing with their aftermath, so to speak.

Senator GRAHAM. Before I turn to Senator D'Amato for questions, I would like to go to the second item, which is the person who is here illegally and who is found to have committed a felony.

Captain Malone, you discussed in detail how that case is likely to be handled. And I wonder whether Mr. Dickson, Mr. Lanfersiek or Mr. Shaw have any further comments on the category of the illegal alien who commits a felony.

Mr. LANFERSIEK. I have a chart here, Senator, that I can show you momentarily, and I might add that this was made for a jury visual aid, and not for anything like this, and it was made to show to an organization. [Setting up chart on easel.]

A number of these people, as you can see, were fugitives, because they were in the country illegally. But before we could identify

them as being here illegally, they were afforded the opportunity to make bond and they were gone. A few of the persons here were arrested and——

Senator D'AMATO. Could you just take one of those individuals and go on through with him?

Mr. LANFERSIEK. All right. Let us take this person right here, Rodnes Gurrier.

As I mentioned before, he was tracked to Quebec, along with this gentleman right here, Joseph Guy Bain.

They were both arrested as a result of an oral intercept in Fort Pierce and Miami, about a $200,000 per week crack cocaine operation. He immediately made bond and he was gone, and he is a fugitive, but we feel as though he is back in Haiti.

He might have returned to the United States illegally again, but we do not know, and until he surfaces—as Captain Stewart has said, until he surfaces again in another investigation, we have no way of knowing.

These people—Margaret Louissaint and Jean Paul Solon—were arrested but, prior to their being bonded out, the Immigration and Naturalization Service stepped in and took custody of them.

Where they are now, I do not know. But the last that we knew, they were in Krome. But Krome has been closed down since that time.

We were able to identify them as being in the country illegally before they bonded out, but that is the problem that we usually have, that they cannot make bond and they are gone.

If we cannot get the courts to set high enough bonds, that is also a problem.

Senator GRAHAM. If I may ask this question. We now have a person who is in detention, and he or she is having a bond hearing based upon whatever the specific charge is that has been filed, the criminal violation, and he or she is now known to be an illegal alien.

What independent action, administrative or judicial, is taken relative to their illegal alien status concurrent with their status as a person being held for having allegedly committed a criminal act?

Mr. LANFERSIEK. We have to follow the course of attempting to show the courts that this person will flee, that this person is not a bondable risk, and either one of two things happens. Either the bond is set higher or——

Senator GRAHAM. Yes. But you have got to be there at the time.

Is there anything beyond what you would do with a U.S. citizen that is done with an illegal alien who is charged with the same criminal offense?

Mr. LANFERSIEK. We would attempt to show, if there were any evidence gathered upon their arrest, for example, that this person is an illegal alien and that he would flee, and we would ask for the help of the Immigration and Naturalization Service.

Senator GRAHAM. Is a representative of the Immigration and Naturalization Service present at the time when this first bond hearing takes place?

Mr. LANFERSIEK. Not usually, no, sir.

Senator GRAHAM. Is that a matter of policy or a matter of resources, why no one from the Immigration and Naturalization Service is present at the initial hearing?

Mr. SHAW. It is probably a combination of both, Senator.

There is an allegation, and the person is accused of having committed a crime, and he is arrested. However, he is not convicted of anything at that time, and he is within a local jurisdiction, or it could even be a Federal jurisdiction, and——

Senator GRAHAM. But there is no question, or that is what I am assuming in my hypothetical, that the person is an illegal alien.

Whether he has committed a drug offense is yet to be adjudicated but there is no question that he is here in this country illegally.

Is that not of concern to the Immigration and Naturalization Service?

Mr. SHAW. If the Immigration and Naturalization Service were able to respond to all of those courts in the United States and to take that person into custody because he was a suspected offender involving a narcotic violation with possible felony implications—if the Immigration and Naturalization Service were to take charge, he would have to take him before an immigration judge who would then make a bond determination based upon two requirements of considerations, whether he had ties to the community or would be likely to flee, and Immigration and Naturalization's investigations would have to establish that proof, or whether he would be likely to commit a violent act and, therefore, be a threat to the community.

Those would be the considerations, and the judge would probably knock down the recommended bond and release him either on his own recognizance or on a low bond pending local disposition or pending the determination of his alien status at an immigration hearing.

He might have been married to an American, or he might have relatives in the United States.

There are a number of things that could gain him equity under the Immigration and Nationality Act, and that would have to be adjudicated in an immigration review hearing. There is no summary deportation.

Senator D'AMATO. Obviously, as a drug dealer, he would take the summary deportation and come right back in, so it would just be a catch 22.

Mr. SHAW. That is one of Senator Chiles' provisions. If we can catch those guys coming back in, and if we can identify them with a different set of identification documents and nail them, and give them a mandatory 15 or 10 years as opposed to the circular process.

If they're in an organized drug activity, they just get another set of identity documents and come right back in and bypass the inspection system or process. That is the worst case scenario.

We will work with the other Federal agencies, as well as with the State and locals.

We believe that there are about 42,000 convicted aliens in various Federal and State institutions throughout the United States, which is based upon a survey that we did in 1986, and many of them have not been served with detainers, and many of them are

unknown to the Immigration and Naturalization Service but, based upon a crash review of State records, we identified 42,000 alien convicts who are incarcerated and who should be brought into the administrative review process. It is that population that we are trying to handle through the institutional hearing process, to at least get a handle so that those guys do not hit the street and go right back into new criminal activities. It is a tough system.

Senator GRAHAM. Are there any other comments on the second category, the illegal alien who is alleged to have committed a felony?

If not—Senator D'Amato.

Senator D'AMATO. Mr. Chairman, I am going to keep my questions brief in view of the time, but I want to commend the panel, and I want to compliment Mr. Shaw certainly for his spirit, vigor and determination to try to do something. However, unfortunately, I do not think he is getting some of the cooperation that he should from some of the upper echelons who are missing the point. They are not giving him the resources necessary so that he and his people could be more effective in their work with the local activities and the State task forces. I think we are missing the boat.

I said it before in New York, and I will say it again down here. I am not suggesting to you that we in the Congress—as far as the issues of the illegal worker and employer sanctions—we advocate that. But that pales in comparison, Mr. Chairman, with the criminal alien problems, the networks that have been established and the criminal enterprises that they have been encouraged to come into.

As Special Agent Lanfersiek pointed out, they know how to beat the system and, more often than not, they will beat the system. It takes a number of arrests before they ever get held or are identified in such a manner as to get an adequate bond set.

It is very, very distressing, and I consider it to be a far more pressing problem, the criminal alien who is engaged in drug enterprises, as well as other very violent activities.

I have been impressed, Mr. Chairman, and I want to commend you because I think a great deal of this came about while you were Governor, putting together this task force of Federal, State, and local people, and I think it is necessary throughout our Nation.

I would also like to commend Chief Dickson.

Chief, I followed your emphasis on the sting operations, and Captain Stewart referred to his recent efforts in relationship to that.

Could you give us some kind of a profile, first on the buyer, and then on what you have seen coming out of that, and then on how effective it has been, and then whether we could expand on it or what you would recommend?

Chief DICKSON. Over the past 2½ years, Senator, we did arrest over 5,000 people buying drugs, which we—out of those 5,000, we have had about 40 repeat arrests.

The rest have not come back to us yet, and that is a good sign that there is some deterrent effect there or that they have gone to some other place, probably both. I am sure that it is both. We rely upon the rehabilitative effect of an arrest of someone who has never been arrested before.

The user who is employed, and who has never been arrested before, and who is walking a gray line between total addiction and the loss of society and/or being shocked back into the real world—the arrest does do that for some, the traumatic effect of being arrested, the traumatic effect of fear of the loss of a job, and the exposure to society and embarrassment to their family, and all of those things happen to the person who is being arrested for the first time.

Senator D'AMATO. Chief, do you seize their cars?

Chief DICKSON. We do when the transaction takes place with the use of their vehicle.

Senator D'AMATO. Do you sell that vehicle if they plead guilty?

Chief DICKSON. We start litigation right away to seize the vehicle, and once we get the vehicle—and we have been successful in every case so far where we set out in a good case—we either use that car to fight drugs or we sell it and place the money into the law enforcement trust fund to fight crime.

We have seized over 2,000 vehicles during that period of time.

The people who are arrested are anywhere from white collar to blue collar to professionals, teachers, engineers, There are the unemployed and the drug addicts, all kinds of people. There are the old and the young, all kinds of people.

Senator D'AMATO. I think, Mr. Chairman, that it is a focus that politically may have a lot of potential.

It is a real hot spot, but if we do not begin to discourage the use of drugs—some kinds of civil penalties or society's condemnation of the user—we are not going to win this.

We could double, triple, or quadruple all of the forces. We could use the military and have some of the toughest laws, but that is not the way to win it. It has to be with prevention, education and rehabilitation. Let me touch on rehabilitation.

I think Captain Stewart talked about how all they think about is getting back to the crack house, getting back out on the street so that they can get more.

What about drug treatment in our penal systems, testing before release because they are getting drugs in the prisons in so many cases.

Captain STEWART. You are talking about a lack of resources, and you are talking about society itself, the entire system fully not accepting the phenomenon that crack is.

It is different from heroin or marijuana in that there is the insatiable desire, and just abstinence from it is not known to be a cure. There will be the shock factor, as Chief Dickson said, for some.

In Orlando, we have some people crying when they are arrested. They call the van that comes back to pick them up the rescue, and they want help and, of course, in any sort of rehabilitation, you have got to want help for it to be successful.

In Orlando, FL, if you have a 12-year old child and no insurance, you cannot get any free rehabilitation if he is addicted to crack cocaine, and we need to have strong emphasis put on that, that wherever the money comes from, it has got to be there.

Arrests cannot continue year after year to double, triple and quadruple, because that is not the answer.

Senator D'AMATO. Captain, I take it in your statement—this is the second or third time—that you have made a very clear distinction as it relates to the addictive propensities of drugs and you have identified crack as being far more addictive and one with which the user becomes an addict and rarely breaks that addiction.

Captain STEWART. Well, I have been a law enforcement officer for 13 years, and, during 8 of those years, I have been involved in vice and narcotics, and I have gone through the trends of heroin and all of them, and I can only describe this as being far worse.

Senator D'AMATO. It is the worst?

Captain STEWART. It is the worst. Yes, sir.

Senator D'AMATO. Chief?

Chief DICKSON. Without a doubt, crack is the most addictive drug out there, and it acts very quickly as well, and it does not take a lengthy or sustained period of time to become addicted to crack. And, in fact, one can become addicted to crack over a 2-week period of use.

Senator D'AMATO. Mr. Lanfersiek.

Mr. LANFERSIEK. I agree with both of their statements. And one of the saddest things that goes hand in hand with it is that it has become one of the cheapest.

Senator D'AMATO. We have not begun any rehabilitation, we have not done anything in our prisons, or before we let people out on parole or early release, testing for drugs in the urine.

You have a criminal addict, a person who is already committing crimes, wanting an early release. We do not provide any rehabilitation for the addicts who need and want help.

It is like a one-sided war, and now there are people saying legalize it. It is a big debate, the issue of legalization.

What are your thoughts? Anybody.

Captain STEWART. From what I have observed, Senator, over the last 3 years, referring back to crack, what you are looking at with crack use is complete emaciation, and the only thing that I can think of to compare it with is a Jewish POW camp.

With these people, the only thing left is the head. The hygiene goes; there is no desire for food; there is no desire for sex. If you were to just give it away, you would just have masses of people dying.

Senator D'AMATO. What would happen in the poorer communities if you were to legalize drugs, genocide?

I called it genocide. Is that a good word?

Chief DICKSON. That is a good description of exactly what legalization would do to the poor communities, especially the ghetto. I would be totally against legalization.

I think we have not done the very best we can in the war on drugs. And now crack cocaine is the main weapon in the war on drugs which is being used against our country, and we have not done the best we can.

There are a lot more innovative and imaginative approaches that we have not yet used, and as we come together with our resources, I believe that we are developing at this time a better approach as we are looking at the demand side of this affair, as well as the supply side. The demand side has been neglected for years. We have never really helped the demand side.

I believe that Americans are beginning to look at the demand side now, and that, with the innovations, resources and intelligence that we have here, we will be able to help the demand side.

Senator D'AMATO. Mr. Shaw?

Mr. SHAW. I cannot address the narcotic or addiction qualities of crack, Senator D'Amato.

Senator D'AMATO. What about legalization?

Mr. SHAW. That falls into the same category as the opening of the borders. If we cannot control our borders, let all of the freedom-loving people of the world send whomever they will.

It just does not work that way, and narcotics is part of that same process, trying to strike a delicate balance with reasonable application and enforcement efforts—open borders and maintain an open system of democracy versus reasonable law enforcement controls.

I do not see legalization as a solution. I see that as part of going down a permissive path that may lead to self-destruction.

I would like to enter one bright note, and that is, from Immigration's perspective, from my program's perspective, I started out this fiscal year with 690 officers nationwide, and by the end of fiscal year 1988, I will have 1,350 special agents. At least that is a doubling of our ability to respond to some of the questions raised here today.

In addition, we have some automated files underway, which we would like to expand as rapidly as we can beyond four cities and to each of our districts, and that would tie the Immigration and Naturalization Service in more closely to the local criminal justice processes, to give local officers feedback, as well as to handle their referrals to us with this whole problem of identifying and tracking criminal aliens in our society.

I think we are on the right path, but it is going to take us some time to perfect our act.

Senator D'AMATO. Mr. Lanfersiek?

Mr. LANFERSIEK. On legalization?

Senator D'AMATO. Right.

Mr. LANFERSIEK. That would be one of the worst things that we could ever do.

If we have a problem that we cannot control and we merely give up on it, we are giving up on everything that we fought for years and years to have.

For so long in law enforcement, when you come together on task forces to work on joint operations, there are always petty differences and bickering, but when we started this, I think the law enforcement community recognized that this is one of the world's worst problems that we have ever run into.

There is not only the drug addiction program, but there are also the related problems that go along with it—the robberies, the murders and the burglaries.

When the Department of Law Enforcement needed Creole monitors, I think there was one phone call made to the chief over there, and we got a couple of his people and we got some people from Metro Dade, and we got a couple of people from the State attorney's office—no questions asked.

Generally, there are a lot of problems with things like that, but we removed those people from their own enforcement area and

took them to another enforcement area, and they worked for us—no questions asked.

This is the kind of cooperation that we know that this problem really needs.

Senator D'AMATO. Thank you, Mr. Chairman.

Senator GRAHAM. Thank you, Senator.

This has been such an informative and insightful session that I wish we could go on. But, as I said earlier to the first panel, I appreciate the fact that you have shared your Saturday with us. And I thank you very much for the special efforts that you all have made.

I have sometimes described my old job and my new job as the difference between being the quarterback down on the field and the athletic director up in the air-conditioned box.

I think sometimes those of us who are in the air-conditioned boxes need to get down on the field with people like you who deal with the reality of these problems, where it takes on a sense of flesh and blood and urgency that you have certainly all given to it today.

I thank you very much for your contributions.

If there are no further questions, we thank you very much. And the hearing is adjourned.

[Whereupon, at 1:30 p.m., the committee adjourned, subject to the call of the Chair.]

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